

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Civil Writ Petition No.1847 of 2016

Date of decision: 12.2.2016

Jaspreet Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Amrik Singh, Advocate,
for the petitioner.

Mr.Inqulab Nagpal, AAG, Punjab.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

1. On the directions of this Court, Mr.Balbir Singh, PCS, DPI [SE], Punjab, Mohali and Mrs.Manjit Kaur, Principal, Government Girls Senior Secondary School, Rupnagar are present in Court. The Principal has produced a docket in photocopy containing 31 papers from where she has pointed numerous spelling mistakes in the documents in the hand of the petitioner written in Punjabi.

2. I requested two neutral learned counsel present in Court waiting for their cases, i.e., Mr.M.S.Bedi and Mr.S.S.Rana, Advocates to confirm whether the words encircled by the Principal are spelling mistakes.

They have confirmed that they are indeed spelling mistakes in the words

encircled to highlight the spelling errors committed by the petitioner in his protest application. Certain other papers have also been produced which show a casualness in requesting leave and that too without assigning any reason of absence in the applications furnished to the Principal which reasons are required to be explained for grant of leave.

3. The petitioner has been charge-sheeted on two counts which need no further elaboration in this order but the fact remains that the petitioner is a superannuated Punjabi teacher praying for further extension in service in terms of the policy of the Punjab Government after rule 3.26 of the PCS rules was amended to grant extension across board to Punjab Government employees on option basis one year at a time for a maximum of 2 years beyond retirement.

4 The extension in service in terms of the policy is not a matter claimable as a right. The policy also entails that where Government servant is under charge-sheet, extension in service can be denied.

5. However, having regard to the nature of the charges levelled against the petitioner of lacking in Punjabi language spelling coming from a Punjabi teacher, the studies imparted to the students are said to have led to “degradation” in the standards of education in Punjabi language skills in the school. An example is given of a student who has secured very high marks in all the subjects other than in Punjabi in the detailed marks card at page 7 of the docket of papers produced in Court.

6. Without going into the matter in any detail and without expressing any opinion on the work and conduct of the petitioner insofar as teaching of Punjabi in classroom is concerned, I would more than less

dismiss the petition since Court is not persuaded to issue a direction to the State to grant extension in service on the material placed.

7. However, dismissal of this writ petition would not be used against the petitioner in the pending inquiry if it were left to continue. But after hearing out Mr.Balbir Singh on the question of the charge sheet and the fact that an inquiry officer has yet not been appointed, I think it would be more appropriate that instead of wasting time on an inquiry on the two charges which are of not any serious consequences which could impact the State exchequer as no financial loss is caused to the State, it would thus be a rather futile exercise to carry on with the inquiry for nothing substantial after this Court has not accepted the prayer in the petition for second extension in service by a court direction via mandamus. It would be a sheer waste of time for both the Government and the petitioner to foist the inquiry mechanically to go through the motions when no meaningful punishment can be inflicted on the petitioner after retirement even if the charges are assumed to sustain. Even if the charges are proven, they will not result in cut in pension in the light of rule 4.4 of the PCS rules. The gratuity already stands paid and no cut can be made therein for recovery since nothing has to be recovered from the petitioner. The DPI [SE], Punjab, Mohali would agree on the persuasion of this Court to drop the charge-sheet. However, if any retiral dues remain pending, they will be paid to the petitioner without delay. The petitioner will no longer deal with the Principal-Mrs.Manjit Kaur or vice versa in the interest of peace and tranquility. This direction is only to avoid any confrontation and instead the DEO, Rupnagar will help complete the formalities and process the petitioner's papers with his corresponding

cooperation for payment of outstanding dues, if any, and to do so without unreasonable delay.

8. Mr.Balbir Singh assures the Court that the papers will be processed under his guidance and instructions for timely completion of remaining formalities. With these observations and directions the file is closed and the prayer for directions in writ jurisdiction for extension in service is turned down as not warranted.

(RAJIV NARAIN RAINA)
JUDGE

February 12, 2016
Paritosh Kumar