

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

CWP No.19383 of 2016

Date of Decision:-21.11.2016

Shakti Sagar Bhatia.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. R.K. Arora, Advocate for Petitioner.

Mz. Sudeepti Sharma, Deputy Advocate General, Punjab
assisted by Mr. Baljinder Singh, Superintendent,
Local Govt.-I Branch, Punjab Civil Sectt., Chandigarh.

Mr. Sanjeev Soni, Advocate for respondent no.4-
Municipal Corporation, Amritsar.

JASWANT SINGH, J.(ORAL)

Petitioner on attaining the age of superannuation (58 Years) stands retired on 30.06.2016 from the rank of Senior Town Planner with the Municipal Corporation, Amritsar. He has laid challenge to the order dated 24.6.2016 (P-8) whereby his claim for extension in service has been declined on the ground (i) *a final decision by the competent authority on the inquiry report dated 10.02.2016 submitted by the inquiry officer qua chargesheet dated 3.2.2014 (P-5)* & (ii) *a decision by the competent authority whether or not to proceed against the petitioner on the*

subsequent chargesheet dated 27.06.2016 (P-10) qua which a reply dated 21.07.2016 (P-12) stands filed are pending. Challenge is also laid to chargesheet dated 27.06.2016 (P-10).

It is contended that the impugned chargesheet dated 27.06.2016 (P-10) has been issued alleging that the petitioner had illegally approved the site plan regarding a residential house at Patiala on 14.5.2008, whereas the petitioner had factually joined the place of posting at Patiala on 29.08.2008 and remained posted till 07.10.2008, the same deserves to be set aside. As regards the charge sheet dated 3.2.2014 (P-5) it is contended that no decision is deliberately being taken so as to deprive the petitioner the benefit of extension in service, however, at the time of arguments, learned Counsel for the petitioner restricts his prayer for a direction to the competent authority to take a final decision on the inquiry report qua chargesheet P-5 as also regarding continuance of disciplinary proceedings in the light of the reply (P-12) to the chargesheet (P-10) within a time bound manner so that his claim for extension in service can be disposed of or in the alternative pensionary benefits can be released at the earliest.

Counsel for the respondents does not have any objection to the reasonable alternative prayer made at the time of hearing.

In view of the aforesaid agreed circumstances, the present petition is disposed of with a direction to the competent authority to take a final decision on the inquiry report qua the chargesheet dated 3.2.2014 (P-5) as also a decision regarding continuance of proceedings qua chargesheet dated 27.06.2016 (P-10) within a period of two months from the receipt of certified copy of this order. In case there is no legal impediment/exoneration after the aforesaid two decision, a fresh decision

regarding extension in service shall be taken within one month by the appropriate authority.

(JASWANT SINGH)
JUDGE

November 21, 2016
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>