

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

**Civil Writ Petition No. 25614 of 2015 (O&M)
Date of Decision: 09.09.2016**

Subhash Chander

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Surinder Garg, Advocate
for the petitioner.

Mr. Vaibhav Sharma, Deputy Advocate General, Punjab
for respondent Nos. 1 & 2/State.

Mr. S.K. Arora, Advocate
for respondent No. 3.

JASWANT SINGH, J. (ORAL)

Petitioner-Subhash Chander is working as Works Manager with the Punjab State Transport Department. He has laid challenge to the order dated 11.08.2015 (**Annexure P-2**) passed by the respondent-State, whereby one year extension in service was extended to Makhan Singh (respondent No. 3), working as General Manger, Ferozepur Depot, Ferozepur, after his date of superannuation w.e.f. 30.09.2015.

Learned counsel for the petitioner has argued that the respondent No. 3-Makhan Singh was issued a charge-sheet dated 09.09.2015 (**Annexure P-3**) for imposition of major penalty and on the date of his superannuation, disciplinary proceedings were pending, and, therefore, the extension was liable to be quashed in the light of instructions

dated 30.04.2015 (**Annexure P-4**). Qua his *locus*, it is canvassed, that since the petitioner is next in line for the promotion to the post of General Manager, therefore, he has right to maintain the present petition.

Upon notice, separate replies have been filed by the State and private respondent No. 3-Makhan Singh.

The common stand of the respondents is that at the time of order granting one year extension, there was no charge-sheet issued or pending, and after the receipt of reply of the charge-sheet, the same was dropped on 21.10.2015, therefore, the action of the respondents in granting extension cannot be termed to be illegal.

After hearing learned counsel for the parties and perusing the pleadings, this Court is of the considered opinion that no relief can be granted to the petitioner.

A perusal of the instructions dated 30.04.2015 (**P-4**) shows that it prohibits consideration of cases of the employees for extension in service against whom, *inter alia*, a decision is taken to issue a charge-sheet for imposition of major penalty, however, in the absence of any specific averment that a decision to issue a charge-sheet was taken prior to 11.08.2015, it cannot be accepted that the decision to grant extension on 11.08.2015 was contrary to the instructions. The instructions further provides that if after granting of extension, it comes to the notice of the authorities that a charge-sheet has been issued to the petitioner, the case is required to be reviewed. In the light of the fact that the charge-sheet, upon consideration of the reply, was subsequently dropped on 21.10.2015, washes away whatever could be accepted prejudicial to cause of respondent No. 3.

Thus, in view of the fact that there is substantial compliance of the provisions of instructions, no case for interference is made out.

Accordingly, the instant writ petition stands dismissed.

September 09, 2016

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**(JASWANT SINGH)
JUDGE**

Whether Speaking/reasoned	Yes
Whether Reportable	No