

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

CWP No. 2468 of 2016 (O & M)

Date of decision: 16.03.2016

Des Raj

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. R.K. Arora, Advocate,
for the applicant-petitioner.

Mr. Pankaj Mulwani, DAG, Punjab.

Mr. Sanjeev Soni, Advocate,
for respondent no. 4.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 2871 of 2016

Application for placing on record rejoinder to the reply filed on
behalf of respondents no. 1 to 3 is allowed, subject to all just exceptions.

The same is taken on record.

CWP No. 2468 of 2016

Reply on behalf of respondent no. 4 has been filed in Court
today, which is taken on record.

The petitioner seeks quashing of the order dated 22.01.2016
(Annexure P-4) whereby, his claim for extension in service has been
rejected on the ground that the charge sheet under Rule 8 of the Punjab
Civil Services (Punishment and Appeal) Rules, 1970 is pending.

In the written statement filed by the two set of respondents, it
has been averred that the inquiry report has been submitted by the Inquiry

Officer and the petitioner already stands retired on 31.01.2016. It is not disputed that there is no legal or vested right as such to seek extension as per the law laid down in ***CWP No.3847 of 2015 titled Iqbal Mohammad Vs. State of Punjab & others***, decided on 24.04.2015, and ***CWP No.3826 of 2015 titled Romesh Garg Vs. State of Punjab & others*** decided on 24.04.2015.

However, the sole argument of the counsel for the petitioner revolves around the issue of one similarly situated person namely Raj Kumar who was also charge sheeted on the same set of allegations but had been permitted to continue on extension. The writ petition filed by the said Raj Kumar i.e. CWP No. 2954 of 2015 had been dismissed by this Court on 02.09.2015 (Annexure P-11). He had filed LPA No. 1519 of 2015 (Annexure P-12) whereby, a direction was issued on 30.10.2015 (Annexure P-12) to conclude the inquiry within one month and in case of exoneration, consider the case for extension. It is the case of the petitioner accordingly that he is also entitled for similar relief. The relevant part reads as under:-

“Consequently, we dispose of the appeal by directing the respondents to conclude the enquiry within one month from today and in case the appellant is exonerated, to consider his case for extension in service in accordance with law within a period of 15 days thereafter.”

State, on the other hand, has pointed out that the second extension has not been granted to the said Raj Kumar and he has completed his first extension on 31.01.2016. The inquiry report has been served upon him on 09.02.2016 and 15 days' time has been granted to him for filing reply. The petitioner has also in similar circumstances, filed a

representation (Annexure P-20) against the inquiry report, which is now pending consideration.

Resultantly, this Court is of the opinion that the present writ petition can be disposed of with a similar direction to respondent no. 2 to take a decision on the departmental proceedings within a period of two months from the date of receipt of certified copy. In case of exoneration, it will be open to the competent authority to take a decision whether the petitioner is entitled for extension in view of the observations passed by the Division Bench in the case of Raj Kumar.

16.03.2016
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(G.S. SANDHAWALIA)
JUDGE