

CWP No.438 of 2016

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

CWP No.438 of 2016

Date of Order: 19.9.2016

Bimla Devi

....Petitioner

Versus

State of Punjab and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Vikas Chatrath, Advocate for the petitioner.

Mz. Sudeepti Sharma, DAG, Punjab.

JASWANT SINGH, J (ORAL)

The petitioner reached the age of superannuation on attaining the age of 58 years on 30.6.2015, while working in the rank of Social Study Mistress. Her case for extension in service for one year was sent, however, while awaiting the decision, she was permitted to work in the School of her posting till 04.1.2016. The request for extension was declined vide impugned order dated 21.12.2015 (P.3) on the ground that an FIR dated 03.6.2014 registered under Sections 406/498-A IPC, at P.S Amritsar Cantonment was pending against the petitioner.

It was contended that on a thorough investigation in the aforesaid FIR, a challan was submitted in the Court on 12.1.2015 wherein the petitioner had been placed in column No.2 on having been found innocent. It was, thus contended that as per the amended Policy decision dated 30.4.2015, the extension could be declined only if the criminal charges by the trial Court had been framed, thus the prayer was for quashing the impugned order (P.3) as also for direction for payment of the salary and further extension till 30.6.2017.

Upon notice, reply contesting the claim of the petitioner has been filed.

However, learned state counsel, on instructions from Narinderkant, Sr. Assistant, very graciously concedes that the impugned order was passed without due consideration of the Policy dated 30.4.2015 and, therefore, upon reconsideration a decision has been taken to release salary till 04.1.2016 as also an order dated 19.9.2016 has also been passed granting extension to the petitioner for the second year commencing w.e.f 01.7.2016 till 30.6.2017, a photo copy of which has been placed on record besides being furnished to learned counsel for the petitioner. She further assures the court that due salary till 04.1.2016 shall be released to the petitioner within next 30 days.

Keeping in view the aforesaid supervening circumstances, learned counsel for the petitioner, on instructions from the petitioner present in court, concedes that nothing survives to be decided in the present petition.

Disposed of as having become infructuous. The respondents shall be bound by the aforesaid stand and also would permit the petitioner to join at her last place of posting forthwith.

September 19, 2016
manoj

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No