

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

Date of decision: 19.05.2016

CWP No.7871 of 2016 (O&M)

Kewal Krishan

...Petitioner

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

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

Mr. Vaibhav Sharma, DAG, 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)

This petition was filed on the apprehension that the petitioner would not be granted extension in service after superannuation since a charge-sheet had been issued to him under Rule 10 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 (for short 'the Rules') for minor misconduct. Such charge-sheet was converted to one of major misconduct to be tried under Rule 8 of the Rules. The allegations are made by a female employee complaining that the petitioner used abusive language against her.

The State has filed its reply in Court today, which is taken on record. They have explained that the female employee has made a request to the Government for change of Inquiry Officer so that it is conducted by a lady officer. The change-over is in process.

The petitioner claims extension in service after superannuation in terms of the policy of the Punjab Government, but his case has been stymied by issuance of charge-sheet converted from minor to major misconduct entailing delay which works to the prejudice and disadvantage of the petitioner forestalling his case for extension in service.

In order to balance out the interests of both the parties, a direction was issued by the Division Bench of this Court in LPA No.776 of 2015 titled 'Ashok Arora Vs. State of Punjab & others' decided on 20.05.2015, where one month time was granted to the Department to conclude inquiry. Mr. Arora submits that similar direction be issued in this case, so that the inquiry be concluded within a reasonable time so that it is not needlessly prolonged to scuttle the case of the petitioner by default and let time pass by when for the subject matter time is of the essence.

In view of the direction issued by the Division Bench in *Ashok Arora's case*, it is deemed appropriate that a similar direction should go to the Department to conclude the inquiry within two months from the date of receipt of certified copy of this order. In case, the petitioner is exonerated of the charges, the petitioner would be entitled to consideration for extension in accordance with law.

With these observations and directions, the petition stands disposed of.

19.05.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE