

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

Date of decision:15.02.2017

Lal Chand

.....Petitioner

v.

Sh.Gurkirat Kirpal Singh,IAS

.....Respondent

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Amit Sharma,Advocate for the petitioner

Mr.Sandeep Jain,Advocate for respondent.

Jaswant Singh,J.

Petitioner while working as Accounts Officer with The Punjab State Cooperative Supply and Marketing Federation Ltd.(for short Markfed) was charge sheeted vide order dated 30.4.2012. He was proceeded departmentally, in which he was found partially guilty and awarded punishment of bringing him down by two stages in his time scale of pay besides recovering loss in case arbitration proceedings did not succeed. He challenged the order of punishment before appellate authority.

The petitioner, on attaining age of superannuation, was to retire on 28.2.2015. He, however, opted for extension of service in terms of Instructions dated 8.10.2012 adopted by respondent-Markfed.

He was granted extension vide letter dated 27.2.2015. Later on Govt.

of Punjab, vide letter dated 30.4.2015 issued instructions not to grant extension in service to those employees against whom decision to charge sheet has been taken or charge sheet issued or issued major punishment the effect of which would have been continuing on the date of retirement or major penalty has been given during 3 years prior to the date of retirement or prosecution approval has to be given or has been given or charges by criminal court has been framed. These instructions were also applicable to employees on extension and their cases were to be reviewed.

It appears that pursuant to the said letter dated 30.4.2015 respondent withdrew extension granted to petitioner. Aggrieved against the said action petitioner filed CWP 10911/2015 challenging the vires of instructions dated 30.4.2015. The said writ petition was dismissed vide order dated 12.2.2016, however, keeping in view the pendency of appeal filed by the petitioner, it was directed that authority concerned shall decide the same by 31.8.2015 and in the event of his exoneration, his case would be considered for extension of service within two weeks thereafter.

Consequently, after considering the appeal of the petitioner the same was allowed and punishment order set aside vide order dated 31.8.2015. Since even after acceptance of his appeal, petitioner was non-suited for extension in service, he again approached this Court by filing CWP 20492/2015 which was allowed and petitioner was given extension in service with all consequential benefits. Respondent was to

reconsider his case for second extension within a period of two weeks from receipt of copy of the said judgment dated 29.7.2016. Alleging non-compliance of said judgment dated 29.7.2016 instant contempt petition has been filed.

Notice of motion was issued. On 3.2.2017 learned counsel for the respondent made a statement that order passed by this Court stood complied with, upon which proxy counsel for the petitioner prayed for time to seek instructions.

At the time of hearing, learned counsel for the petitioner, on instructions, submits that with the due compliance of the orders passed by this Court, the present contempt petition has been rendered infructuous.

Dismissed as having become infructuous.

15.02.2017
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No