

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

**CWP No.11741 of 2017 (O&M)
Date of Decision : 25.05.2017**

Mrs. Kamlesh Panchal and another Petitioners

Versus

State of Haryana Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Kunal Dawar, Advocate for the petitioners.

AJAY TEWARI, J. (Oral)

By this petition the petitioners are claiming extension of the fixed tenure of three years.

The ground taken is that the petitioners were appointed as Chairperson (petitioner No.1) and Vice Chairperson (petitioner No.2) of the Haryana State Commission for Women (for brevity The Commission) on 23.05.2014 under Section 4 of the Haryana State Commission of Women Act, 2012. The Act prescribed a fixed tenure of 3 years. In the year 2015 the Government amended the Act and removed the petitioners from the office. That action was challenged by the petitioners by CWP No.16335 of 2015 and by judgment and order dated 17.05.2016 the amendment and the removal of the petitioners was set aside. The petitioners were reinstated and now that fixed tenure is said to expire today.

The contention is that the period of 1 year, 1 month and 14 days during which the petitioners were illegally kept out of their office/s has to be excluded from the fixed tenure of 3 years and equal period of extension

has to be granted. To support his contention he has relied upon the judgment of *P.Venugopal Vs. Union of India, 2008 (5) SCC 1*. By that judgment the Supreme Court restored the remaining tenure of the petitioner and consequently there was no question of extension. The facts of the present case are covered by the judgment of the Supreme Court in *Dr. L.P.Agarwal Vs. Union of India, 1992 AIR (SC) 1872* wherein it has been held as follows :-

“17. We, therefore, allow the appeal with costs, set aside the judgment of the High Court,, allow the writ petition of the appellant and quash the resolution of the Institute-Body dated November 24, 1980 and the consequent order retiring the appellant. Since the appellant has already attained the age of 62 years, there is no question of reinstating him in the office of the Director of the AIIMS. He shall, however, be entitled to his salary less the non-practising allowance, for the period from December 1, 1981 to January 21, 1984. Respondents 1 and 2 are directed to pay the arrears of the salary to the appellant within three months from today. The appellant shall also be entitled to 12% interest on the said arrears. We quantify the costs as Rs. 10,000.”

In the present case, though there is no specific prayer made for the same yet in view of the decision quoted above the petition is disposed of with the same relief.

Since the main case has been decided, the pending Civil Miscellaneous Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

25.05.2017

Pooja sharma-I

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No