

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

CWP No.14505 of 2017 (O&M)

Date of Decision: 31.10.2017

Devender Kumar Bansal

....Petitioner

Versus

State of Punjab and others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

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

Ms. Sudeepti Sharma, Addl. A.G., Punjab.

Mr. Sehajbir Singh, Advocate
for respondents No.4 and 5.

DAYA CHAUDHARY, J. (ORAL)

The petitioner is aggrieved by action of the respondents by withdrawing the look after charge and the same has been assigned to the persons, who are junior to him. The petitioner is going to retire from service today i.e 31.10.2017.

A specific query has been put to learned counsel for the petitioner as to how the petitioner on the last day of his service is going to be effected. In response to query, he has submitted that the petitioner will be benefited, in case, the designation of look after duties is assigned to him and no loss is being cause to the respondent department in any manner.

Learned counsel for respondents No.4 and 5 submits that there is a difference between look after charge and current duty charge. Petitioner

is not entitled to look after charge as per policy applicable in his case.

Learned counsel also submits that only in case the charge given to private respondents is withdrawn and the same is declared illegal and un-lawful then it can be given to the petitioner.

Learned counsel for the respondent-State submits that the petitioner was served a charge sheet but the same has been stayed by the Court. Petitioner is not entitled for any look after charge/current duty charge, in case, the charge sheet has been issued to him.

By considering the submissions made by learned counsel for the parties and even by accepting the submissions made by learned State counsel, in case, the charge sheet has been stayed, it amounts as if the charge sheet was issued for the time being. This argument can be raised after decision of the writ petition, which is stated to be pending.

However, keeping in view the last day of retirement of the petitioner, the present petition is disposed of with a direction to the respondent-State to consider his case. In case, any other similarly situated person has been given look after charge/current duty charge during period of extension and the policy applicable to the case of the petitioner, his claim be considered within a period of two days on receipt of certified copy of this order and necessary order be passed accordingly.

The petition is disposed of accordingly.

(DAYA CHAUDHARY)
JUDGE

31.10.2017
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No