

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

**Civil Writ Petition No. 19536 of 2016 (O&M)
Date of Decision: 09.02.2017**

Kanwaljit Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Nirmal Singh, Advocate
for the petitioner.

Mz. Sudeepti Sharma, Deputy Advocate General, Punjab
for the respondents/State.

JASWANT SINGH, J. (ORAL)

Petitioner-Kanwaljit Kaur has retired on reaching the age of superannuation on 30.09.2016 from the rank of Centre Head Teacher with the Education Department (Primary), Punjab.

Challenge in the present petition is to the charge-sheet dated 17.12.2014 (**Annexure P-1**), as also order dated 29.08.2016 (**Annexure P-3**), whereby the extension in service of the petitioner has been declined on the ground that the disciplinary proceedings pursuant to charge-sheet dated 17.12.2014 (**P-1**) are pending.

Upon notice, respondents have filed a reply. It is stated that on consideration of the reply to the charge-sheet dated 17.12.2014 (**P-1**), Mr. R.C. Nayyar, IAS (Retd.), has been appointed as Enquiry Officer on 14.06.2016 and, therefore, in terms of the extension policy, the extension in

service due to the pendency of the disciplinary proceedings for imposition

of a major penalty has been right declined.

As regards the charge-sheet dated 17.12.2014 **(P-1)**, it is submitted that the petitioner and eighteen (18) other employees, while working as Drawing and Disbursing Officers, were found responsible for a wrong fixation of pays of teachers, resulting into huge amounts of loss caused to the State exchequer.

After hearing learned counsel for the parties, no ground for interference in the case is made out. The charge of causing loss to the State exchequer based on wrong fixation is not denied, however, the extension tendered is that the same was on the advise of office clerk. The said extension, on the face of it, cannot be made a ground for quashing the charge-sheet **(P-1)**. The nature of the charges require leading and appreciation of evidence adduced by the parties. Moreover, the State has not proceeded only against the petitioner, but also other alleged guilty officials. Thus, the action of the State cannot be termed to be motivated or *mala fide*.

In view of above, present petition stands dismissed, however, the competent authority would take steps to release the admissible retiral benefits to the petitioner at the earliest.

February 09, 2017

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**(JASWANT SINGH)
JUDGE**

Whether Speaking/reasoned	Yes
Whether Reportable	No