

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

**CWP No. 3811 of 2017
Date of Decision: 28.02.2017**

Ashok Kumar Chuchra

...Petitioner

Versus

State of Punjab & Others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. G. P. S. Bal, Advocate for
Mr. Dharampal Gill, Advocate for the petitioner.

JAISHREE THAKUR, J. (Oral)

The grievance of the petitioner is that he is not being granted extension in service beyond the age of 58 years on the basis of a clarification issued by the Department on 30.10.2014 (Annexure P-6) which stipulates that those employees against whom any departmental enquiry/criminal case or vigilance case is pending will not be considered for extension in service.

It is submitted that the petitioner had been issued a chargesheet by the Education Secretary in pursuance to a complaint dated 19.10.2013 (Annexure P-1) given by Sh. Sandeep Dhuria, the then D.E.O., Fazilka. In pursuance thereto, a departmental enquiry was initiated which is pending for last three years. Despite the fact that complainant-Sandeep Dhuria in his statement dated 19.03.2014 (Annexure P-4) had deposed that the petitioner was not a delinquent, the enquiry has been kept pending for a long time and on account of this fact, his request for extension in service has been declined by an order dated 31.01.2017 (Annexure P-9) by relying upon clarification dated 30.01.2014. Counsel for the petitioner submits that once

the complainant himself had deposed that the petitioner is not delinquent, the enquiry should have been concluded and the petitioner be exonerated accordingly.

Counsel for the petitioner submits that the instant writ petition can be disposed of by giving a direction to the respondents to conclude the aforesaid enquiry expeditiously so that the case of the petitioner can be considered for extension in service.

Notice of motion.

On the asking of the Court, Mr. R. S. Sidhu, AAG, Punjab, who is present in Court, accepts notice on behalf of the respondents-State. Let three copies of the paper book be supplied to him during the course of the day.

Service is complete.

I have heard counsel for the parties and perused the paper book.

Since the issue involved in the instant writ petition only pertains to consideration of the case of the petitioner for extension in service, without commenting on the merits of the case, the instant petition is disposed of by giving a direction to the respondent to conclude the enquiry within a period of one month on receipt of a certified copy of this order and in case it is found that petitioner is entitled to extension in service, necessary relief be granted to the petitioner within a period of two weeks thereafter.

February 28, 2017

Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No