

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

**CWP No. 3945 of 2017
Date of Decision: 28.02.2017**

Jagninder Singh

...Petitioner

Versus

State of Punjab & Others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

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

JAISHREE THAKUR, J. (Oral)

The petitioner herein, who is due to retire on 28.02.2017, has approached this Court with the grievance that his case is not being considered for extension in service on the basis of a clarification issued by the Department on 30.10.2014 (Annexure P-2) 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. The petitioner is named in FIR No. 12 of 13.02.2013 (Annexure P-3).

It is contended that as per the department's own clarification issued on 30.10.2014, a Committee is to be constituted which will prepare a list of officials/employees indulged in vigilance/criminal/departmental enquiry and thereafter a decision is to be taken whether extension in service is to be granted or not.

It is further argued that the Collector, District Sangrur has

already marked a letter to the Senior Superintendent of Police, Sangrur on 08.10.2013, wherein, it has been observed that the matter under FIR No. 12 dated 13.02.2013, registered under Sections 379, 477, 148, 506 and 511 of the Indian Penal Code had been enquired into and it was noted that only symbolic possession of the land has been taken pursuant to the orders passed by the learned Civil Judge (Sr. Division).

Counsel for the petitioner submits that the instant writ petition can be disposed of by giving a direction to the respondents to constitute a committee in terms of the clarification that has been issued 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 by considering the fact that no criminal case is made out against him, without commenting on the merits of the case, the instant petition is disposed of by giving a direction to the respondents herein to consider the instant writ petition as a representation. Let the Committee as mentioned in order/clarification dated 30.10.2014 look into the matter

within a period of one month on receipt of a certified copy of this order and in case it is found that there is any merit in the contention raised therein, 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