

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

**Civil Writ Petition No. 11673 of 2018 (O&M)
Date of Decision: 30.11.2018**

Gurjant Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Jasvir Singh Dhaliwal, Advocate
for the petitioner.

Mrs. Ishneet Kaur, Assistant Advocate General, Punjab
for the respondents/State.

JASWANT SINGH, J. (ORAL)

Petitioner (*Gurjant Singh*), while working as “*Patwari*” with the Department of Revenue, Punjab, was granted first year extension in service on completion of superannuation age, i.e., 58 years w.e.f. 01.05.2017 to 30.04.2018 vide order dated 25.04.2017 and during this tenure, a charge sheet dated 27.03.2018 (**Annexure P-1**) was issued to the petitioner, levelling allegations *qua* wrong entry in *jamabandi*, therefore, he was retired from service vide order dated 30.04.2018 (**Annexure P-3**), passed by the Deputy Commissioner-cum-District Collector, Bathinda, after completion of one year extension in service on attaining the age of 59 years.

By filing the present petition, the petitioner seeks quashing of the aforesaid order dated 30.04.2018 (**P-3**), whereby he has been ordered to be retired from service w.e.f. 30.04.2018.

It is averred that the benefit of second year extension in service from 01.05.2018 to 30.04.2019 granted to the petitioner has been abruptly

withdrawn in the aforesaid order dated 30.04.2018 **(P-3)**. It is further averred in para-9 of the writ petition that the services of the petitioner was terminated vide aforesaid order dated 30.04.2018 **(P-3)**.

While issuing notice of motion vide order dated 22.05.2018, It was contended that on the basis of the charge-sheet dated 26.03.2018 **(P-1)**, after investigation, the extension of the petitioner stands withdrawn.

Upon notice, a reply has been filed wherein in preliminary submissions, it is submitted that the case of the petitioner/request dated 02.02.2018 for second year's extension in service from 01.05.2018 to 30.04.2019 was considered in the light of instructions dated 30.04.2015 **(Annexure R-1)**, the relevant portion of which is reproduced as under:-

“ In case an officer/official who has been allowed extension in service commits any grave misconduct during the extended period of his service or it is found that he has earlier committed grave misconduct then besides initiating departmental action under Rule 8 of Punjab Civil Services (Punishment & Appeal) Rules, 1970, the extension of service allowed to him can be withdrawn immediately without issuance of any notice. In such cases of employees relating to Group 'A' and 'B' there will be a Committee of Administrative Secretary, Head of the Department and one senior Officer who will make decision in this regard in the same month. In case of employees of Group 'C' and 'D' the decision will be taken by the appointing authority at its own level.”

In view of above instructions dated 30.04.2015, the request dated 02.02.2018 of the petitioner for extension in service from 01.05.2018 to 30.04.2019 was rejected vide order dated 30.04.2018 **(P-3)** due to pendency of charge-sheet dated 27.03.2018 issued to the petitioner. So far

mentioned in para-9 of the writ petition, it is submitted that the services of the petitioner were never terminated by the respondents, however, he was relieved from service w.e.f. 30.04.2018, vide order dated 30.04.2018 (P-3) passed by the Deputy Commissioner-cum-District Collector, Bathinda.

In view of above reply, learned State Counsel submits that the petitioner is not entitled to the relief as claimed and the present petition is liable to be dismissed.

Counsel for the petitioner, in view of reply submitted by the respondents, **prays for withdrawal** of the instant writ petition.

“Dismissed as Withdrawn”.

November 30, 2018

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**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>