

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

CWP No.1665 of 2018 (O&M)

Date of decision: 29.01.2018

Jarnail Singh

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. D.S. Patwalia, Sr. Advocate with
Mr. Harmanpreet Singh Sehgal, Advocate
for the petitioner(s).

Jitendra Chauhan, J. (Oral)

By way of the present petition, the petitioner seeks issuance of a writ in the nature of mandamus directing the respondents to consider the case of the petitioner for extension of his service for a period of one year from 01.02.2018 to 31.01.2019 in terms of the provisions of Rule 3.26 Vol.I, Part I of Punjab Civil Services Rules as amended vide notification dated 30.10.2015 (Annexure P-6).

The petitioner, a Tehsildar in the Revenue Department and is due to retire on 31.01.2018 on attaining the age of 58 years. He has opted for extension of service for a period of one year from 01.02.2018 to 31.01.2019, in terms of State of Punjab extension policy, vide his request dated 10.11.2017 (Annexure P-1). The case of the petitioner was rejected by the authorities on account of disciplinary proceedings which stood finalized on 09.02.2017. The petitioner had laid challenge to order dated

09.02.2017 by filing CWP-5355-2017, whereby this Court had passed the order dated 16.03.2017 (Annexure P-7) granting status quo order in favour of the petitioner.

Heard and perused the record.

The petitioner is due to retire on 31.01.2018. The relevant extract of the Extension Policy of State of Punjab applicable to the case of the petitioner reads as under:-

“2. While withdrawing serial No.7 of department letter No.22.02.2012-FP2/43 dated 22.01.2013 regarding extension of service period of the Punjab Government employee/officials it has been decided that the Govt. employees/officials against whom the departmental enquiry has been initiated under Section 8 of Punjab Civil Services Rules, 1970 or charge sheet has been filed or have been awarded major penalty, the effect of which are surviving even on the date of retirement, or if he/she has been awarded major punishment during 9 years prior to the date of retirement or the employees against whom a sanction for prosecution has been given by the competent authority concerning criminal/vigilance case or against whom the competent Court has framed the charges, the said employees will not be considered for extension of their service in the light of instructions issued by the Finance Department, vide letter No.22.02.2012-3 FP 2/475 dated 08.10.2012 and letter No.22.02.2012 3 FP 2/471 dated 20.09.2013.”

As per the case of the petitioner disciplinary proceedings were initiated against him. The competent authority on finalization of the same sent recommendations to Punjab Public Service Commission for

compulsory retirement, vide order dated 09.02.2017 which was assailed by the petitioner by way of CWP No.5355-2017 wherein this Court had ordered that in the meantime the status quo be maintained till next date of hearing which leads to the conclusion that the petitioner does not have clean service record and cannot be allowed extension in view of Clause 2 of the policy. Keeping in view the above, this Court finds no merit in the present petition and the same is hereby dismissed.

29.01.2018

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No