

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

**CWP-5267-2019 (O&M)
Date of Decision:22.04.2019**

Jawahar Lal

... Petitioner

Versus

State of Punjab & another

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Puneet Jindal, Senior Advocate with
Mr. Raghav Kakkar, Advocate for the petitioner.
Ms. Sunint Kaur, AAG, Punjab.

...

TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioner is presently serving on the post of Executive Officer (Class I) under the Department of Local Government, State of Punjab.

Instant writ petition was filed raising a challenge to an order of suspension dated 04.05.2017 (Annexure P-1) as also a charge sheet served upon him dated 06.07.2017 (Annexure P-2).

The writ petition came up for preliminary hearing before this Court on 27.02.2019, whereupon senior counsel had informed that the petitioner already stood reinstated w.e.f. 11.06.2018 and as such the challenge to the suspension order dated 04.05.2017 would not survive.

Even as regards the impugned charge sheet dated 06.07.2017 (Annexure P-2), a stand was taken that the petitioner is not making an attempt to stall the departmental proceedings initiated, but the same be finalized within a stipulated time frame as the date of superannuation of the petitioner is 30.04.2019 and if the inquiry proceedings do not culminate by such date, he would be denied the benefit of the decision of the State

Government as regards extension in service beyond the age of retirement.

Accordingly, notice of motion had been issued in the writ petition returnable for 15.03.2019 on such limited aspect.

On the previous date of hearing i.e. on 15.03.2019, learned State counsel upon instructions from Mr. Rahul Jain, Senior Assistant, Local Government Department had suffered a statement that the inquiry proceedings initiated against the petitioner would be concluded within a period of 15 days.

During the course of resumed hearing today, learned State counsel would submit that as there are 12 charged officials in all, the inquiry proceedings would take some time to conclude.

Having heard counsel for the parties, this Court is of the considered view that the stand taken on behalf of the State Government is not justified.

It has gone undisputed that after issuance of the charge sheet dated 06.07.2017 (Annexure P-2), reply had been submitted by the petitioner in the month of July, 2017 itself and the Inquiry Officer was appointed in October, 2017. A period of more than 18 months has elapsed since. Inquiry proceedings are still continuing. Under such circumstances, petitioner cannot be deprived of his right of consideration as regards extension in service beyond the age of retirement only on account of pendency of the departmental proceedings.

In view of the above and without interfering with the impugned charge sheet and consequent departmental proceedings, writ petition is disposed of with a direction to the respondent/authorities that the option

already submitted by the petitioner on 25.01.2019 seeking extension in service for a period of one year after the age of superannuation i.e. 30.04.2019, be processed as per instructions/policy decision taken by the State Government and extension would not be declined only on the ground that inquiry proceedings are pending against him.

Disposed of.

22.04.2019*harjeet***(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |