

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

143

CWP No.18933 of 2019

Date of decision: 15.07.2019

Inder Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR.JUSTICE ARUN MONGA.

Present: Mr. R.K. Arora, Advocate, for the petitioner.
 Ms. Ambika Bedi, AAG, Punjab.

ARUN MONGA, J. (ORAL)

Learned counsel for the petitioner, *inter alia* contends that the ostensible reason for cancellation of the extension granted to the petitioner as a school teacher vide impugned order dated 15.02.2019 (Annexure P-7) is that he had rendered himself liable to be punished under Rule 8 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970, owing to the fact that he failed to obey the order of the Principal of the school assigning duty at Government Middle School, and he also abused the Principal in the presence of other teachers.

Learned counsel for the petitioner contends that the shoe is, in fact, on the other foot. As, it was the Principal, who abused the petitioner in the presence of other teachers. Pursuant thereto, an enquiry was conducted and the Principal was found delinquent resulting in his transfer as reflected from order dated 26.06.2019 (Annexure P-14).

Notice of motion.

On advance service of the petition, Ms. Ambika Bedi, AAG, Punjab appears and accepts notice on behalf of the State.

Learned counsel for the petitioner relies on Division Bench order vide LPA No. 776 of 2015 titled as '*Ashok Arora vs. State of Punjab and others*', decided on 20.05.2015 (Annexure P-17) and also judgment dated 19.05.2016 (Annexure P-19) passed by a single Bench of this Court in CWP No. 7871 of 2016 titled as '*Kewal Krishan Vs. State of Punjab and others*'. He submits that in order to balance the interests of the petitioner, as also the Principal who had charge-sheeted the petitioner, a direction be issued to conclude the pending enquiry/disciplinary proceedings against the petitioner within a period of 45 days so that the proposed action is not unnecessarily prolonged to scuttle the case of the petitioner by default as time is of the real essence here.

Given the nature of order being passed, no further proceedings and/or pleadings are required.

Without commenting on the merits of the case, I am of the view that the request of learned counsel for the petitioner is fair and reasonable.

Since the petitioner has been denied extension in service for want of (i) final decision in the charge-sheet by the Competent Authority and(ii) the decision of the Competent Authority whether or not to proceed against the petitioner in the charge-sheet, I dispose of this petition with a direction to the State Government to take final decision in respect of the charge-sheet dated 11.2.2019 (Annexure P-6) within a period of 45 days from the date of receiving a certified copy of this order. Further, the Competent Authority shall within the above stated period, decide whether the petitioner is to be departmentally proceeded against in pursuance to the

charge-sheet. If the decision to be taken by the State government exonerates the petitioner, I see no reason on record to deny him extension in service. The respondents, in that case, may take decision in accordance with law and pass appropriate orders.

Disposed of in above terms.

15.07.2019
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(ARUN MONGA)
JUDGE

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| 1. | Whether reportable? | Yes / No |
| 2. | Whether reasoned / speaking? | Yes / No |