

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

CWP No.23745 of 2017 (O&M)
Date of decision: January 28, 2019

Sunil Kumar Khosla ...Petitioner

Versus

State of Punjab & others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Raj Kumar Garg, Advocate for the petitioner.
Mr. Nikhil Chopra, Addl. Advocate General, Punjab.
None for respondent No.5.

Rajan Gupta, J.

Petitioner poses a challenge to order dated 29.09.2017 (Annexure P-12), passed by Special Secretary-cum-Director, Rural Development and Panchayat Department, Punjab (respondent No.2 herein), whereby petitioner was ordered to be retired after withdrawing one year extension period granted to him.

Learned counsel for the petitioner has urged before this court that the order, passed by respondent No.2 suffers from patent illegality as same is without any jurisdiction. According to him, only a special committee headed by Administrative Secretary, Head of the Department and a senior officer of the department had to be constituted for withdrawing the extension of the petitioner. The order, thus, same deserves to be set-aside.

Stand of the State before this court is that petitioner was charge-sheeted as he failed to dispose of the official work relating to audit and

inspection report assigned to him as per instructions of the department dated 30.4.2015, issued by the Finance department.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It is evident that petitioner, who was Accounts Officer in the office of Joint Development Commissioner (IRD) was retired from service on 31.07.2017. He was given extension for a period of one year vide order dated 29.03.2017 w.e.f. 01.04.2017 to 31.03.2018 after his superannuation, in view of his option for extension. Vide letter dated 28.08.2017, Deputy Controller (Finance and Accounts) intimated that the competent officer had recommended to take action against the petitioner as he failed to deal with the correspondence received from different quarters during his charge, as a result of which audit and inspection reports could not be settled in time. Accordingly, petitioner was charged under Rule 8 of Punjab Civil Services (Punishment and Appeal) Rules, 1970. Vide order dated 29.9.2017, he was retired from service w.e.f. 30.09.2017.

I find no infirmity with the order. From a perusal of instructions dated 30.04.2015 (Annexure P-5), it is evident that if an officer/official is facing notice of grave misconduct during or before extension in service, in addition to initiate departmental proceedings against him under Rule 8 of Punjab Civil Services (Punishment and Appeal) Rules, 1970, his extension in service can be withdrawn without any notice. The order of withdrawal of extension of the petitioner from service was passed by Special Secretary, Rural Development and Panchayat Department, Punjab, the competent authority.

I, thus, find no ground to interfere with the order passed by the competent authority. The petition is devoid of merit.

Dismissed.

January 28, 2019
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No