

Sr. No.118

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

CWP No.30600 of 2019 (O&M)

Date of Decision: 24.10.2019

Baltej Singh Sidhu

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Puneet Gupta, Advocate,
for the petitioner.

Ms. Anu Chatrath, Senior Advocate with
Ms. Ambika Bedi, AAG, Punjab.

ARUN MONGA, J.(ORAL)

CM Nos.16113-16114-CWP of 2019

Applications are allowed, as prayed for, subject to all
just exceptions.

Annexure P-23 is taken on record.

Main case

1. Learned Senior counsel representing the State submits
that contemplated charge-sheet to be issued to the petitioner has
already been prepared but the same was kept at abeyance for a
period of seven days in terms of the order dated 30.09.2019,
passed by this Court in an earlier round of litigation in CWP
No.26373 of 2019.

2. For ready reference, the said order, *ibid*, is

reproduced hereinbelow:-

Learned Senior counsel representing the State, on instructions from Mr. Anish Babbar, OSD Litigation, Public Works Department (B&R), who is present in Court, submits that the Administrative Secretary of the concerned department has taken a decision to grant 2nd year extension to the petitioner subject to the decision on the proposed departmental proceedings, which is pending consideration.

2. *In the premise, learned counsel for the petitioner does not wish to press his petition, at this stage.*

3. *In view of the statement made by learned Senior counsel representing the State, petition is disposed of as infructuous.*

4. *I would hasten to add here that in the event any adverse action is contemplated against the petitioner which would disentitle him to continue in service, the same shall be kept at abeyance for a period of 7 days to enable him to seek appropriate remedy qua the same."*

3. I am of the view that the import of the above order was to enable the petitioner to take his legal remedy, in case any adverse action is taken against him.

4. In all fairness, he deserves an opportunity to challenge the charge-sheet and since the same has not been issued, it is made clear that he would be entitled to 7 days' protection after

issuance of charge-sheet to enable him to seek appropriate remedy qua the same. In the premise no coercive steps shall be taken against the petitioner for a period of 7 days after issuance of contemplated charge sheet and he would be allowed to continue in service.

5. Writ petition is disposed of with liberty to the petitioner to challenge the charge-sheet in accordance with law, as and when he is served with the same.

24.10.2019
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No