

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-32855-2019

Date of Decision: 14.11.2019

Parduman Singh

... Petitioner

vs.

State of Punjab and Others

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. H.C.Arora, Advocate, for the petitioner.

Mr. P.S.Bajwa, Additional Advocate General, Punjab.

ARUN MONGA, J.(ORAL)

Inter alia issuance of a writ in the nature of *certiorari* has been sought to quash order dated 01.08.2019, impugned herein, whereby proposal for grant of extension in service to the petitioner on attaining the age of superannuation of 58 years was rejected resulting in his retirement from service on 31.07.2019.

2. Learned counsel for the petitioner contends that proposal was rejected ostensibly on the ground that certain department action was contemplated against the petitioner. He further submits that neither any action has been taken till date nor even, otherwise, the impression given to the competent authority qua the same had any substance.

3. Learned counsel for the petitioner relies on communication/letter dated 22.08.2019 (Annexure P-5) wherein it has been categorically stated that proposal of initiating disciplinary proceedings against the petitioner has been rejected by the competent authority

4. Notice of motion.

5. On advance service of the petition, Mr. P.S.Bajwa, Additional Advocate General, Punjab appears and accepts notice on behalf of the respondent-State.

6. Given the nature of order being passed, there is no necessity to seek return by the respondents as no further proceedings and/or pleadings are required.

7. Without commenting on the merits of the case, the writ petition is disposed of by directing the competent authority to treat the present writ petition as representation and pass fresh speaking order by giving reasons thereof as to why the proposal of granting extension in service to the petitioner has not been accepted as neither any case of recovery nor any disciplinary action/departmental proceedings/inquiry are either pending or contemplated under the service rules.

8. It would be appreciated that if communication/letter dated 22.08.2019 (Annexure P-5), addressed to the Director, Technical Education and Industrial Training Department, Chandigarh by the Special Secretary, Department of Technical Education and Industrial Training, whereby the proposed/contemplated departmental action against the petitioner was not approved by the competent authority, is kept in mind while passing the speaking order as aforesaid.

9. Let the needful be done within a period of 04 weeks from the date of receipt of a certified copy of this order.

10. Needless to say that the earlier order dated 01.08.2019 (Annexure P-3) is stands quashed since a direction has been issued to pass fresh speaking order in accordance with law.

11. Disposed of in above terms.

14.11.2019
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(ARUN MONGA)
JUDGE

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