

Sr. No.142

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

CWP No.34313 of 2019 (O&M)

Date of Decision: 25.11.2019

Kalwarn Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Nitin Kaushal, Advocate,
for the petitioner.

Mr. Mehardeep Singh, Additional A.G., Punjab.

ARUN MONGA, J.(ORAL)

Petitioner herein seeks issuance of a writ in the nature of certiorari to quash charge-sheet dated 29.07.2019 (Annexure P-16) and order dated 31.07.2019 (Annexure P-18) whereby extension in service was denied to him.

2. Notice of motion.

3. On advance service of the petition, Mr. Mehardeep Singh, Additional A.G., Punjab appears and accepts notice on behalf of the State.

4. 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.

5. Without commenting on the merits of the case, the writ petition is disposed of with a direction to the respondents to pass a fresh/speaking order, in accordance with law, in view of the

Instructions dated 03.05.1967 (Annexure P-8) particularly clause (i) coupled with the fact that anonymous complaint itself relates to year 1998 and was received in 2018; given that the petitioner continues to be out of job, *prima facie*, for no fault of his.

6. Further more, the competent authority shall bear in mind that the vigilance inquiry conducted pursuant to the anonymous complaint has also exonerated the petitioner and yet benefit of Notification dated 08.10.2012 issued by Department of Finance contained at Annexure P-15 has not been accorded to the petitioner.

7. In view of the aforesaid, the order dated 31.07.2019 (Annexure P-18) is set aside.

8. Let the needful be done within a period of 3 months from the date of receipt of a certified copy of this order.

9. Disposed of in above terms.

25.11.2019

vandana

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No