



CWP-31369-2019 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-31369-2019 (O&M)
Date of Decision: 26.09.2025

Randhir Singh Uppal

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Sameer Sachdeva, Advocate for the petitioner

Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. On 31.10.2019, this Court passed the following order: -

“Learned counsel for the petitioner, inter alia, contends that after putting in 33 years of dedicated and sincere service and having earned exemplary ACRs, as is borne out from chart/table of ACRs contained at Annexure P-11, petitioner instead of being bid honorable farewell, has been ignominiously inflicted with a charge- sheet on 29.10.2019 late evening at 8 p.m., just two days prior to his superannuation, causing stigma on his otherwise unblemished career.

Learned counsel for the petitioner has drawn my attention to the charges framed against the petitioner viz alleged unauthorized absence from 03.10.2018 to 24.02.2019. coupled with registration of an FIR No.184 dated 28.09.2018 against the petitioner. The petitioner is, thus, stated to have violated Rules 8.15 and 8.47 (1) and (2) of Punjab Civil Services, Volume I, Part I and Rule 3 (4) of Punjab Government Employees (Conduct) Rules, 1966.

Learned counsel for the petitioner contends that in context of both these charges, it would be pertinent to see



suspension order of the petitioner (Annexure P-1), pursuant where to, he was suspended from service on these very counts. He submits that later on, it was found that the FIR was a frivolous one and, in fact, proceedings against the complainant have also been initiated under Section 182 IPC.

Learned counsel for the petitioner submits that pursuant to the preliminary investigation, a cancellation report was filed before the competent Court and the same was accepted and FIR was dropped. As regards, the unauthorized leave of absence, learned counsel for the petitioner submits that the petitioner had submitted his medical records before the competent authority to show that he had been suffering from AC PIVD, in common parlance known as prolapsed disc, owing to which petitioner was bed ridden and could not have joined duties.

In the premise, his wife also submitted a leave application dated 04.10.2018 (Annexure P-4). It was, in this background that suspension of the petitioner was revoked vide order dated 06.05.2019 (Annexure P-9/A), wherein it was stated that the same is being done on the condition that it would be subject to the decision of the court case pending against him. By necessary implication, it amounted to acceptance of the medical condition of the petitioner due to which he could not report for duties for reasons beyond control. The only thing that survived was thus the outcome of decision of the criminal court case, which was to be considered at a later stage.

Learned counsel for the petitioner has also drawn my attention to the order dated 17.06.2019, passed by Additional Chief Magistrate, Amritsar, whereby the cancellation report was accepted and criminal proceedings were dropped.

In the premise, contends the learned counsel for the petitioner, nothing remained pending against the petitioner to invite any departmental proceedings since his unauthorized leave stood condoned as per the revocation order of his suspension and the competent Criminal Court had dropped the criminal proceedings against him.



Notwithstanding, the charge sheet dated 29.10.2019 has been issued in a malafide manner merely to humiliate the petitioner and to negate his right of consideration for extension in service, which would otherwise have been accorded to him, in accordance with the Instructions dated 08.10.2012 (Annexure P-16) amended from time to time, which envisage that only those employees would not be considered for extension in service where either departmental proceedings are contemplated or are pending.

Learned counsel for the petitioner further contends that in case, departmental proceedings were to be initiated against the petitioner owing to his absence from duty, the same ought to have been done at the time of his reporting back for duty on 25.02.2019 or at the time of revocation of his suspension on 06.05.2019. The very fact that decision on the departmental proceedings was not taken for as long as 8 months after his reporting back for duty but as a bolt from the blue charge-sheet has been issued, just a day before his retirement is reflective that the same has been done to overcome the Instructions, ibid.

Learned counsel for the petitioner further contends that on as many as 3 occasions, the Director General of Police had recommended the case of the petitioner for extension in service as is borne out from recommendations contained at Annexures P-10, P-13 and P-14, respectively. It was also recommended that decision on contemplated charge sheet be also taken favourably. Yet no decision was taken by the competent authority.

Notice of motion.

On advance service of the petition, Mr. P.S.Bajwa, Additional Advocate General, Punjab appears and accepts notice on behalf of the respondents. Learned State counsel has handed over a copy of reply/affidavit, in course of hearing, which is taken on record. Copy whereof has been supplied to learned counsel for the petitioner.

Replication, if any, be filed on or before the next date of hearing.



At this stage, I may hasten to add that learned State counsel representing the respondents strongly opposes the issuance of notice on the ground that case of the petitioner is adversely covered by a judgment dated 24.04.2015 in CWP No.3847 of 2015 rendered by a Coordinate Bench of this Court, which in turn relies on a catena of Supreme Court judgments wherein it is held that Government servant has no right to continue beyond the age of superannuation as non-grant of extension carries no stigma.

While, I am in agreement with the proposition of law canvassed by learned State counsel. Prima facie, I am of the view that the case of the petitioner for extension in service has been rejected stigmatically. It would have been another matter had he not been granted extension in public interest on attaining age of superannuation.

Since the petitioner did not get ample opportunity to respond to the charge-sheet, given the timing and manner in which it has been served on a day prior to his superannuation, it would be appropriate that he be given an opportunity before taking a final decision on his extension in service.

In the premise, petitioner shall file his response to the charge-sheet within a period of 10 days from today and final decision on the same shall be taken by the competent authority within a period of 10 days thereafter.

Adjourned to 26.11.2019, for arguments.

Until then petitioner shall be allowed to continue in service.

It is made clear that continuation of service of the petitioner till the next date of hearing is subject to the final view to be taken on the charge-sheet and it shall not confer any equity in favour of the petitioner.

A copy of this order be given to learned State counsel under the signatures of the Bench Secretary. ”

2. Learned State counsel submits that on account of aforesaid interim order, the petitioner continued to work and has retired on attaining



the age of 60 years i.e. extended age of superannuation, thus, instant petition has rendered infructuous.

3. Learned counsel for the petitioner does not dispute the afore-stated factual position. He, however, submits that respondent may be directed to release petitioner’s salary.

4. Faced with this, learned State counsel submits that outstanding salary, if any, would be released in due course.

5. In the wake of statement of both sides, the present petition stands dismissed as having been rendered infructuous.

6. Pending application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

26.09.2025
Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No