

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP no.12025 of 2013 (O&M)

Date of Decision : 23.01.2015

Surinder Singh

....Petitioners

Versus

The Secretary, Rural Development & Panchayat Deptt., Govt. of Punjab and
others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

- 1)Whether reporters of local newspapers may be allowed to see the judgment?
- 2) To be referred to the Reporters or not?
- 3) Whether the judgment should be reported in the Digest?

Present : Mr.S.S.Hira, Advocate for the petitioner

Mr. Harkesh Manuja, Addl. AG, Punjab

MAHESH GROVER, J.

The petitioner prays for an extension in service beyond the date of his retirement. His date of superannuation was 31.3.2013 and as per the prevailing policy the petitioner opted for extension on 1.1.2013 which prayer was considered on 6.2.2013. However, on 28.2.2013 a decision was taken to place the cadre in which the petitioner was working in a diminishing cadre. Thus his prayer for extension was declined on this ground.

The only contention raised by the learned counsel for the petitioner is that since his case already stood considered on 6.2.2013 much prior to the date when the cadre was declared to be a diminishing cadre he would be entitled to extension in service regardless of the decision declaring the cadre to be a diminishing one.

On due consideration of the matter, I am of the opinion that the prayer of the petitioner is misplaced. Once the cadre has been declared to be a diminishing cadre, then the prayer of the petitioner for extension in service beyond the date of superannuation cannot be granted, more particularly, when even the rules would not give an absolute assertive right to the petitioner for there is ample discretion with the State to retain a person beyond the date of superannuation by way of extension in service. Thus the petitioner cannot derive any advantage from the fact that his prayer for extension in service was considered prior to the cadre being declared a diminishing cadre. Acceptance of such a prayer would mean a contradiction in the decision of the respondents taken on 28.2.2013. No ground to interfere is made out. Hence, dismissed.

January 23, 2015
rekha

(MAHESH GROVER)
JUDGE