

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

CWP No.26757 of 2015
Decided on: 22.12.2105

Maha Dev Parshad

... Petitioner

Vs.

Principal Secretary to Govt. of
Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Jasminder Singh Thind, Advocate
for the petitioner.

G.S.Sandhawalia, J.(Oral)

The petitioner seeks the quashing of application dated 24.04.2015 (Annexure P-6) whereby his application for one year extension was denied according to rules. The reason for denial was that initially he had written to the office that he did not want to continue as a Masalchi (Class IV). It is apparent that subsequently he had changed his mind and filed another application wanting to continue on account of the instructions of the Government dated 08.10.2012 (Annexure P-4) which provided that the person had to apply within 3 months before the date of superannuation i.e. 31.05.2015. His claim for extension was not considered on that account and the impugned order has been now passed.

A perusal of the file would go on to show that on 01.08.2015 legal notice (Annexure P-1) was also served upon the respondents.

In reply to the legal notice, the respondents have mentioned that the DCRG amounting to Rs.5,82,138/- and commuted pension of Rs.2,36,971/- was also issued to the petitioner and his pension was to commence from 01.06.2015. The leave encashment of

Rs.3,42,290/- had also been sent to District Treasury Officer, Amritsar on 15.09.2015, which is in the knowledge of the petitioner. It has not been averred in the writ petition that the said amount has not been encashed.

In such circumstances, the petitioner is bound by the principle of estoppel and now cannot turn around that he is entitled for consideration of extension of one year service on account of the second application having encashed the retiral dues.

Resultantly, there is no merit in the writ petition and the same stands dismissed.

22.12.2015
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(G.S.SANDHAWALIA)
JUDGE