

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.411 of 2015(O&M)
Date of decision: 28.08.2015

Kabal Singh

....Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

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

Present: Mr.R.K.Arora, Advocate, for the petitioner.

Mr. H.S.Sethi, Addl.A.G., Punjab
and Mr.Rakesh Verma, Sr.DAG, Punjab.

G.S.SANDHAWALIA, J. (Oral)

1. Challenge in the present writ petition is to the order dated 02.12.2014 (Annexure P6) whereby the benefit of extension of service from 01.12.2014 to 30.11.2015, has been rejected on account of pending chargesheet dated 03.05.2012 (Annexure P8), issued under Rule 8 of the Punjab Civil Services (Punishment & Appeals) Rules, 1970, in view of the instructions dated 30.10.2014 (Annexure P7).
2. The said issue has already been settled by a Co-ordinate Bench of this Court in CWP No.3826 of 2015 titled *Romesh Garg Vs. State of Punjab & others*, decided on 24.04.2015, wherein it was held that extension is a mere concession and the employee has no legal right. The issue of consideration of Rule 3.26 as substituted vide notification dated 08.10.2012 and the instructions of even date alongwith the instructions dated 22.01.2013, 20.09.2013, 30.10.2014 and 07.01.2015, were subject matter of consideration. The said issue has been dealt with by the Co-ordinate Bench, by holding as under:

“In view of the above, it can safely be held that the petitioners have no vested right to seek extension in their services

beyond the age of superannuation. To grant or not to grant extension is as per the discretion of the employer.

Further, since extension in service beyond the age of superannuation cannot be claimed as a matter of right, it virtually is by way of a concession given by the employer to its employee and once such extension is held to be by way of a concession, then there is no reason in law why the same cannot be unilaterally withdrawn for justifiable reasons and in public interest.”

3. The same view has been upheld in LPA No.776 of 2015 titled *Ashok Arora Vs. State of Punjab & others* decided on 20.05.2015. The Division Bench in the said case has further approved the reasoning given in the case of *Romesh Garg (supra)* and held that it was a correct statement of law and no elaborate discussion is required.

4. Faced with this situation, counsel for the petitioner is not in a position to controvert the said fact. However, he prays that the petitioner's right regarding the other relief of challenging the chargesheet and the enquiry report shall remain open.

5. Accordingly, without commenting upon the merits of the case, pertaining to the chargesheet and keeping in view the above facts in mind, the present writ petition is dismissed, being covered by the above said case. However, it is open to the petitioner to challenge the chargesheet dated 03.05.2012 (Annexure P8) and the enquiry report dated 04.09.2014 (Annexure P10), if he so desires, by filing separate petition.

6. It is clarified that all the interim orders, passed in the present writ petition are hereby vacated.

28.08.2015
sailesh

(G.S. SANDHAWALIA)
JUDGE