

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.510 of 2015(O&M)
Date of decision: 28.08.2015

Nirmal Kumar Dhir

....Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

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

Present: Mr.Girish Agnihotri, Sr.Advocate
with Mr.Bhuwan Vats, Advocate, for the petitioner.

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

G.S.SANDHAWALIA, J. (Oral)

Challenge in the present writ petition is to the order dated 31.12.2014 (Annexure P9) whereby the benefit of extension of service has been rejected on account of the prosecution sanctioned in a case filed by the Central Bureau of Investigation on 05.08.2013 and the chargesheet issued and the petitioner has been retired on his due date.

The said issue has already been considered 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, which has been upheld in LPA No.776 of 2015 titled *Ashok Arora Vs. State of Punjab & others* decided on 20.05.2015 wherein it was held that extension is a mere concession and the employee has no legal right. 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.

Learned Senior Counsel for the petitioner has tried to distinguish the said case by arguing that the date of application for extension is prior to the date of

framing of charges which is on 14.11.2014.

As noticed above, the Co-ordinate Bench of this Court has already held that extension of service is a mere concession and therefore, it cannot be submitted that there is a legal right. Admittedly, the petitioner has been chargesheeted in a criminal offence and this fact weighed with the authorities while passing the impugned order, which would be the relevant time of application of mind.

Accordingly, keeping in view the above facts in mind, the present writ petition is dismissed. 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