

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

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**Civil Writ Petition No.9350 of 2015
Date of Decision:13.05.2015**

Tarsem Lalpetitioner

Versus

State of Punjab and othersrespondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

- 1.Whether Reporters of local papers may be allowed to see the judgement?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

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

ARUN PALLI, J.(ORAL):-

A writ in the nature of certiorari is prayed for, so as to quash the order dated 15.12.2014 (Annexure P3), vide which claim of the petitioner for extension in service by an year beyond the actual date of retirement, has been declined by respondent No.2.

It is averred that the petitioner was appointed as Peon on 30.12.1976. He was promoted to the post of Jamadar on 30.06.2010. Since he was slated to retire on attaining the age of superannuation on 30.11.2014, he represented to respondent No.3, seeking extension in service. In response, respondent No.3 recommended his claim for consideration to respondent No.2, vide office letter dated 10.11.2014. For lack of timely consideration of his claim, he retired in the meanwhile, on 30.11.2014. And now, vide order dated 15.12.2014 (Annexure P3), Deputy Commissioner,

Gurdaspur, declined his claim by saying : ***“It is informing to you that with regard to extension of one year in service of Sh.Tarsem Lal, Jamadar, approval has been sought from the state government. On receipt of approval, application of this employee would be considered. But at present no extension would be granted to this employee in his service period.”***

As is made out, claim of the petitioner was deferred as the approval of the government, was solicited and only on receipt thereof, application of the petitioner could be considered. And at present no extension could be granted to him. It is maintained that government had already issued the necessary instructions dated 05.12.2014, which entitles respondent No.2 itself to consider and grant extension to all employees beyond the date of their actual retirement. In fact, pursuant to the said instructions i.e.05.12.2014, respondent No.2 had granted approvals for extension in service, to various employees/officials, whereas claim of the petitioner is being kept in abeyance for no plausible reason. So much so, prior to the institution of this petition, respondent No.2 was even served upon a legal notice dated 12.03.2015 (Annexure P6), but that too has failed to evoke any response.

Learned counsel for the petitioner submits that, at this stage, let this petition be disposed of with a direction to respondent No.2, to consider and decide legal notice dated 12.03.2015 (Annexure P6) served by the petitioner, within a specified time.

That being so, and, without expressing any opinion on

merits, the instant petition is disposed of with a direction to respondent No.2, to consider and decide the claim of the petitioner as set out in his legal notice dated 12.03.2015 (Annexure P6), strictly, in accordance with law, within a period of three months, from the receipt of the certified copy of this order. Needless to assert, a comprehensive order shall be passed assigning reasons, in support of the decision arrived at.

13.05.2015

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(ARUN PALLI)
JUDGE