

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No.765 of 2015 (O&M)

Date of Decision: July 14, 2015

Kamaljit Singh

.....Appellant

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.Vivek Sharma, Advocate, for the appellant.

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1. *Whether Reporters of Local papers 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?*

Surya Kant, J. (Oral)

The appellant was in the service of Punjab State Cooperative Bank Limited and he retired as Manager on attaining the age of superannuation of 58 years on 31.12.2012. Though there was a Policy to grant extension in service for one year to the State Government employees but that Policy was silent in respect of the employees of Boards/ Corporations and Cooperative Institutions. The State Government thereafter issued Instructions dated 27.02.2013 whereunder the benefit of extension in service was granted to the employees of Boards/Corporations and Cooperative Institutions as well. The benefit of these Instructions was denied to the appellant on the premise that the same were prospective in nature and are applicable only to those employees who are due for retirement on or after 27.02.2013. As the appellant already

stood retired, no extension was given to him.

It is also a fact that under these very Instructions, further extension for yet another one year was permissible and in this manner, an employee can continue in service upto the age of 60 years.

Learned Single Judge vide order under appeal dated 14.11.2014 has declined to interfere after observing that no effective relief could be granted to the appellant as extension period of two years also would expire on 31.12.2014.

We have heard learned counsel for the appellant and gone through the record.

In our considered view, the Government Instructions dated 27.02.2013 are indeed prospective in nature and shall apply to those employees only who have retired on or after that date. These Instructions cannot be applied retrospectively. The employees of State Government referable to Articles 309 or 311 of the Constitution and those employed in the Boards/Corporations/ Cooperative Institutions, constitute two separate and distinct classes and the later category cannot claim parity with the State Government employees as a matter of right and/or in respect of every condition of service.

Having held so, it is not difficult to further rule that the Government Instructions dated 08.10.2012 granting extension in service to the Government employees for a period not exceeding two years beyond the age of retirement are inapplicable to the case of appellant.

No case to interfere with the order passed by learned Single Judge is made out.

Dismissed.

[SURYA KANT]
JUDGE

July 14, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE

CM No.1585 of 2015 in
LPA No.765 of 2015

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Kamaljit Singh vs. State of Punjab and another

Present : Mr.Vivek Sharma, Advocate,
for the applicant-appellant.

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Since the main appeal has been decided on merits, no separate order is required to be passed on this application for condonation of 74 days delay in filing the appeal.

(SURYA KANT)
JUDGE

July 14, 2015
mohinder

(P.B.BAJANTHRI)
JUDGE