

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) No.3820/2015**

% **20th April, 2015**

SUSHIL KUMAR SEHGAL Petitioner
Through: Mr. Divey Kant, Advocate.

Versus

KRISHNA WATER DISPUTES TRIBUNAL Respondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

1. By this writ petition filed under Article 226 of the Constitution of India, the petitioner who superannuated at the age of 65 years, after getting various extensions from the age of 62 years, impugns the decision of the respondent/employer dated 9.2.2015 by which petitioner had not been granted extension for six months.

2. For the purpose of granting of extension of six months petitioner relies upon the following paragraph in the circular of the respondent with respect to appointment :-

“(b) By **Re-employment:** Officers retired from the Central Govt./State Govt./UT/PSUs/ Autonomous /Semi-Govt./Statutory Organizations etc (i) a Graduate from recognized University or equivalent having a speed of 120 words per minute from recognized University or equivalent having a speed of 120 words per minute in shorthand AND (ii) having held analogous post on regular basis OR having held a post in the Pay scale of Rs.9300-24800 + GP 4200 (or equivalent in pre revised scale) with six years regular service in the grade. Provided that the retired Govt. Servant appointed, as Private Secretary shall cease to hold the post of Private Secretary after he attains the age of 65 years. Beyond that the term of incumbent can be extended further for a period of not more than six months on the same terms and conditions in public interest if required.”
(underlining added)

3. On the basis of the aforesaid paragraph, it is argued that the decision of the respondent not to grant extension of six months to the petitioner is incorrect and bound to be quashed because it is affected by the bias of the officials of the respondent.

4. This writ petition is not maintainable for several reasons. Firstly, this Court does not substitute its opinion for that of the employer to decide whether a person is or is not suitable or fit for grant of extension of six months. It is only for a reason existing, whereby the court finds grave injustice being caused courts interfere, but in the facts of this case I do not find any reason to substitute this Court’s opinion for that of the employer for grant of extension to the petitioner as prayed. The second reason is that the para which is relied upon by the petitioner itself talks of existence of public

interest but in the entire writ petition no averment is found as to how grant of extension to the petitioner is for a particular public interest and which public interest will be affected in case petitioner is not granted the extension. Therefore the writ petition does not satisfy the ingredient which is required to be satisfied for grant of extension of six months to the petitioner. The third reason for not granting the relief to the petitioner is that in fact to the post to which petitioner was appointed, selection process has been completed, and one person Mr. D.P. Hura was appointed who did not join and now the offer of appointment has thereafter been extended to another person. Therefore once a selection person has concluded, and a person is to be appointed, petitioner has no case for seeking extension of six months. Finally alleging bias against a person without making such a person respondent is not permissible, and the petitioner has not made any person as a respondent and who according to the petitioner is guilty of bias.

5. Dismissed.

APRIL 20, 2015
Ne

VALMIKI J. MEHTA, J