

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.10240 of 2016

Date of decision: May 23, 2016.

Bhagwan Singh and others

... **Petitioners**

v.

State of Punjab and others

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE SURYA KANT**
HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Shri Malkeet Singh, Advocate, for the petitioners.

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

Surya Kant, J. (Oral):

The Government of Punjab vide circular dated 13th October, 2015 has notified the amended provisions contained in CSR Vol.1 Part 1 and CSR Vol.2 whereby the government employees who submit their option after retirement, are permitted to continue in service till the age of 60 years, subject to certain conditions, but while on extension, they are not held entitled to the benefits, like:- (i) promotion; (ii) benefit of ACP; (iii) annual grade increment; and (iv) benefit of pay revision by the government; and retiral benefits etc.

The petitioners are amongst those who have taken the benefit of extension in service beyond the age of 58 years but are aggrieved of the condition under which the payment of pensionary benefits till they attain the age of 60 years has been postponed.

Such a challenge, in our considered view, is wholly misconceived and misdirected. If the petitioners are interested to take their

retiral benefits, they can always refuse to serve on extension and thus can avail the retiral benefits. However, if they want extension in service and want to remain in service till the age of 60 years, they cannot have both the benefits, namely, monthly salary as well as retiral benefits.

Nonetheless, the action of the respondents is neither arbitrary nor discriminatory within the mischief of Article 14 of the Constitution of India, as alleged by the petitioners. It is optional at the instance of the retired employee to continue in service after superannuation till the age of 60 years, whereas it is discretionary at the instance of the government to grant such extension. The alleged action of the respondents is not contrary to the spirit of Article 14 which forbids 'class legislation' but permits 'reasonable classification' founded on intelligible *differentia* and rational nexus with the object sought to be achieved. In this view of the matter, the petitioners having already opted to continue in service, cannot seek parity with the retired employees.

No case to interfere is made out.

Dismissed.

[**Surya Kant**]
Judge

[**A.B. Chaudhari**]
Judge

May 23, 2016.
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