

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

CWP No. 11036 of 2016
Date of decision: 30.05.2016

Prit Pal Singh

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

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

Present: Mr. S.K. Sharma Budhladawale, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner challenges the order dated 21.10.2014 (Annexure P-15) whereby, his claim for compassionate appointment has been rejected on the ground that the father of the petitioner was on extension and had already retired on 30.06.2014 and, therefore, at the time of death on 30.05.2015, was not in regular service. Accordingly, in view of the fact that the instructions provided that dependents will not be considered for appointment during the extended period of service, his claim has been denied.

It is settled principle that extension of service is a mere concession which is granted to the employee. The petitioner's father had already attained the age of superannuation and would have retired on 30.06.2014 if extension was not given. If that was so, the petitioner would not have any right of consideration for appointment on compassionate grounds. Merely because the employee was granted the concession of extension of one year service till 30.06.2015, but unfortunately expired

during the said period, would not give any legal vested right to the petitioner to stake a claim for appointment on compassionate grounds.

Counsel for the petitioner has referred to the amendment made in Rule 3.26(b) of the Punjab Civil Service Rules on 08.10.2012 (Annexure P-1) to submit that the age of retirement has been extended by two years and even the employee was eligible for consideration for promotion.

The said argument is without any basis. The Rule has been further amended on 30.10.2015 whereby, the right of promotion, benefit of ACP, annual increments and any revision of pay made by the State Government has not been extended to the persons who are on extension after the age of superannuation of 58 years in the case of Group A, B and C and 60 years in the case of Group D. Resultantly, a categorical distinction has been done between the persons who are in service and persons who are on extension.

Accordingly, the present writ petition is dismissed.

30.05.2016
shivani

(G.S. SANDHAWALIA)
JUDGE