

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.17704 of 2016

Date of Decision:-23.11.2016

Sukhdev Singh.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Raj Paul Kansal, Advocate for Petitioner.

Mz. Sudeepti Sharma, Deputy Advocate General, Punjab
assisted by Mr. Ram Singh, Senior Assistant, office of
DPI (SE), Punjab.

JASWANT SINGH, J.(ORAL)

Petitioner on attaining the age of superannuation i.e. 58 Years has retired w.e.f. 31.08.2014 from the rank of Lecturer in Commerce, Department of Education (Secondary School) Punjab. He was granted extension in service for one year w.e.f. 1.9.2014 to 31.8.2015 vide order dated 2.7.2014 (P-1). He was granted the second extension from 1.9.2015 to 31.08.2016 vide order dated 12.8.2015 (P-2).

The grievance of the petitioner is that his case for promotion to the post of Principal has not been considered while promoting his juniors vide order dated 09.06.2016 (P-4).

Learned Counsel for the petitioner submits that in the light of

condition no.4 of the second extension letter **P-2**, which provides that an employee would be considered for promotion in case of availability against vacant post, the petitioner was entitled to be promoted when his juniors were promoted. He submits that one similarly situated employee Balwant Singh was also promoted and therefore said action in denying the promotion during the extension period of the petitioner is discriminatory.

Learned State Counsel submits that the Instructions dated 30.10.2015 were issued in continuation of previous instructions governing the terms and conditions of extension, which specifically provided that the government employees during their extension period would not be entitled to the benefit of *(i) Promotion; (ii) Benefit of ACP; (iii) Annual Increment & (iv) Pay scales revised by the Govt.;*. These instructions were made applicable to all the employees who were on extension period. It is next submitted that promotion case of Balwant Singh was of the year 2013, when the instructions relied upon were not in existence, therefore, no parallel can be drawn from such a case.

After hearing learned Counsel for the parties, no case for interference is made out. Even if the condition No.4 of the second extension letter (**P-2**) provided for promotion, the same would not entitle the petitioner to claim promotion as the said condition is superseded by the Clauses of the Instructions dated 30.10.2015 (**R-1**) providing for the new terms and conditions for the employees on extension. Concededly there is no challenge to the Instructions which provide that they are applicable to the employees already in first and second year of their extension period. Even otherwise imposition of such condition cannot be termed as arbitrary.

In view of the above, finding no merit in the present writ

petition the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

November 23, 2016
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>