

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

Date of decision: 31.03.2016

CWP No.5944 of 2016

Sunita Kumari

...Petitioner

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. G.P.S.Bal, Advocate, for the petitioner.

1. *To be referred to the Reporters or not?*
2. *Whether the judgment should be reported in the Digest?*

RAJIV NARAIN RAINA, J.

This petition has been filed on 28th March, 2016 by an Audit Officer working in the Punjab Backward Classes Land Development and Finance Corporation (hereinafter referred as 'BACKFINCO') - respondent No.4 and is due to retire from service today itself just when the case is listed for preliminary motion hearing.

The petitioner has opted for continuation in service and claims extension in service beyond the age of superannuation based on policies of the Punjab Government and certain decisions taken by BACKFINCO regarding the subject matter.

The claim is based on extension granted to similarly situated persons and also on the pendency of CWP No.3778 of 2016 titled 'Paramjit Singh Vs. State of Punjab & others' in this Court. Reference is made to the resolution of the Board of Directors passed on 23rd December, 2015 in the

meeting held wherein it was decided to grant two years extension in service beyond superannuation to its employees. Such a resolution has not been placed on record of this case to read its terms. There is also no order which is impugned in the petition for this Court to exercise judicial review of it under Article 226 of the Constitution. Since there is no order impugned, the jurisdiction of this Court has not been properly ignited.

Consequently, the present petition is dismissed.

However, since the petitioner has made a representation on 21st March, 2016 on the basis of an option exercised on 27th November, 2015, then while dismissing the petition liberty is granted to the petitioner to pursue her representation with BACKFINCO. The policies/instructions of the Punjab Government exclude diminishing cadres from availing the benefit of the policy of extension. In these circumstances, the competent authority would decide the representation on record within one month from the date of receipt of certified copy of this order. The petitioner would be informed whether she has a case for extension or not, in terms of the prevailing law.

31.03.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE