

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

LPA no. 508 of 2016 (O&M)

Date of Decision :04.04.2016

Om Parkash

....Appellant(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

HON'BLE MRS JUSTICE LISA GILL

Present : Mr.Munish Dadwal, Advocate for the appellant

MAHESH GROVER, J.

The appellant is aggrieved of the judgment of the learned Single Judge dated 17.3.2016. Before the writ Court he had questioned the order dated 29.5.2015 declining him the further extension in service to which he claimed an entitlement on the basis of the prevailing instructions enabling retention of employees in service beyond the age of superannuation.

The instructions referred to would enable an employee to an extension of a maximum period of 2 years out of which appellant was indeed granted a year's extension but denied the subsequent one.

The facts would indicate that during the currency of the first extension the appellant was served with a chargesheet but the inquiry officer exonerated him and so he was let off, but with a warning.

Learned counsel for the appellant contends that since his previous service record was good and he was exonerated by the inquiry officer there would be no occasion for the respondent to deny him further extension.

Learned Single Judge has negated this prayer by observing that it is not a matter of right, much less a vested right, to claim an extension in service and we would have no reason to differ with this observation, particularly, when as per the instructions and the pleaded case of the appellant he was merely entitled to a consideration. The service rules would only envisage the retention of an employee upto the age of 58 years and any extension would evidently be dependent on the employer's will to retain an employee, who cannot, in our opinion, enforce the retention through a Court of law as the instructions and rule entitle him only to a consideration and nothing beyond it. We do not find any reason to interfere with the order of the learned Single Judge. Hence, instant appeal is hereby dismissed.

(Mahesh Grover)
Judge

04.04.2016
rekha

(Lisa Gill)
Judge