

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

**201**

**CWP No. 14365 of 1998 (O&M)  
Date of decision: 30.03.2017**

Hari Krishan

... Petitioner

Versus

State of Haryana and others

... Respondents

**CORAM: Hon'ble Mr. Justice P.B. Bajanthri**

Present: Mr. Ravi Verma, Advocate for the petitioner.

Mr. Hitesh Pandit, Addl. A.G. Haryana.

**P.B. Bajanthri, J. (Oral)**<sup>1</sup>

In the instant writ petition, the petitioner has questioned the order dated 24.07.1998 (Annexure P4) vide which petitioner's claim for promotion to the post of Principal has been rejected.

The petitioner while working as a Head Master attained age of superannuation and retired from service on 31.10.1996. Under the State Government policy vide Annexure P5, the petitioner was given extension of 2 years of service vide Annexure P2 on 19.11.1997.

Short question for consideration in the present petition is whether an employee or officer who is under extension of service is entitled for promotion or not. As per the State policy there is no provision for an employee who is under extension of service, is entitled for promotion to the

next higher cadre. In the absence of the provision, the petitioner is not entitled for promotion to the post of Principal. Moreover, the post of Principal is governed by rules of recruitment issued under Article 309 and such rules are applicable to such of those persons who are in regular service. In the present case, the petitioner has attained age of superannuation and retired from service. Therefore, he is not holder of regular service. Consequently, method of recruitment to the post of Principal is not applicable to such of those employees who are under extension of service.

Learned counsel for the petitioner further pointed out that in identical circumstances the official respondents have extended the benefit of promotion to those who are under extension of service. Such discrimination cannot be taken into consideration for the reasons that if an employee has been extended certain benefits which are contrary to rules, the same benefit cannot be extended by court of law. Accordingly, the said contention is rejected.

The petitioner has not made out a case so as to interfere with Annexure P4 dated 24.07.1998. Hence, CWP stands dismissed.

**30.03.2017**

pooja saini

**( P.B.BAJANTHRI )  
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No