

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

CWP No. 14026 of 2016 (O&M)
Date of decision: February 23, 2017

Ramesh Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Karan Chaudhary, Advocate,
for the petitioner.

Mr. L.S. Virk, Additional Advocate General, Punjab.

Ms. Kavita Arora, Advocate,
for respondent No.3.

JAISHREE THAKUR, J.

1. The petitioner herein, who was an employee of the Municipal Council, Gurdaspur, seeks the extension of one year service, as per notification of the Punjab government dated 27.02.2013.

2. The petitioner was working on the post of Junior Assistant under the Executive Officer, Municipal Council, Gurdaspur. As he was due to retire on 31.12.2015, he exercised his option for grant of extension of one year service based on the policy of the Punjab government. Since the respondents did not recommend the case of the petitioner for extension of services, the petitioner approached this court seeking a direction that his case be considered expeditiously. Pursuant to the orders passed, the case of the petitioner was considered and rejected on ground of financial

constraints. Aggrieved against declining to grant extension to the petitioner, the instant writ petition has been filed.

3. Learned counsel appearing on behalf of the petitioner vehemently contends that the Municipal Council, Gurdaspur is flush with funds and there is no occasion for declining the request made for grant of 1 years extension of service, as per the Punjab Government policy. It is also contended that the petition deserves to be allowed on the ground that there is active discrimination and respondents are adopting a pick and choose policy in granting extension to their favourites.

4. Per contra, Learned counsel appearing on behalf of the respondent Municipal Council contends that the case of the petitioner, along with 6 employees, was considered by Municipal Council, Gurdaspur for extension of service in its meeting and by Resolution No. 79 dated 08.01.2016. It was unanimously decided that in view of the financial condition of the Municipal Council no extension is to be granted to employees in class III and class IV posts. It is argued that the Council is under debt of octroi electricity bills worth 10 crores and contractor liability around 50 lakhs that the counsel has already availed of a loan from the Punjab Government in order to pay retiral benefits to the retired employees.

5. I have heard the learned counsel for the parties.

6. The petitioner is seeking extension of service of one year. An amendment came to be made in the Punjab Civil Service Rules, Volume I, Part I, vide which two years extension in service could be granted to government employees after obtaining their options. After this amendment, it was clarified that extension may not be granted to officials/employees

working in projects/schemes which are either closed down or are on the verge of closing down in near future or to employees working in diminishing cadre. By Policy dated 27.2.2013, it was decided to extent the benefits after retirement to employees of Boards and Corporation as well, which have the provisions to implement the Punjab Civil Services Rules in their byelaws/service rules or employees of such institutions where the retirement age of the employees is that of the Punjab Government. However, it was made clear that extension would be granted by the Board/Corporation keeping in mind the financial condition of such institutions. Clause (iii) and (iv) of the notification dated 27.2.2013 reads as under:-

- (iii) If finances of any institutions are being stretched due to grant of one year extension in service of its employees then such institutions shall not grant one year extension in service to its employees.
- (iv) If any institution is receiving grant from Government then such institutions shall not grant one year extension in service to its employees.”

7. An additional affidavit has been filed showing that the Municipal Council, Gurdaspur, is going under a financial crunch and, in fact, have not offered extension in employment to several persons. The claim of the petitioner was considered along with six others and came to be rejected on the ground of financial constraints. The only person who has been considered for extension in service is Supervisor of Sweepers and no one in the category of the petitioner has been given that extension.

Therefore, keeping in mind that the Municipal Council, Gurdaspur, is not financially sound and has obtained loan from the Government to meet some its debt and the policy does itself does not grant extension in service to the petitioner and other similarly situated, the claim of the petitioner was rightly rejected.

8. In view of the above, the impugned order declining to grant extension to the petitioner does not suffer from any infirmity to warrant interference by this Court in the writ petition.

9. The writ petition is dismissed accordingly.

February 23, 2017
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No