

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

201

CWP No.5106 of 2014

Date of decision: 15.11.2017

Inder Kaur

....Petitioner

Versus

Indian Council for Child Welfare Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.Rajesh Dhankar, Advocate, for the petitioner.

Mr.K.K.Gupta, Advocate, for the respondent.

G.S. SANDHAWALIA, J. (Oral)

Petitioner retired on 21.10.2013, on attaining the age of superannuation, as per the Service Rules of 2006 of the respondent-Council, which is subject matter of challenge. Prayer made is to grant one year's extension of service as per the notification dated 08.10.2012 (Annexure P-3) along with all consequential benefits. It is the case of the petitioner that as per the said notification, the State of Punjab had granted one year's extension of service to the employees retiring on 31.10.2012 or thereafter and the same was also adopted by the Chandigarh Administration (Annexure P-4).

The defence of the respondent-Council is that it is registered under the Societies Registration Act, 1860 as an 'NGO' and has its own Service Rules namely 'Conditions of Service Rules of the Employees of Indian Council of Child Welfare, U.T. Branch Chandigarh, 2006' whereby the age of retirement has been fixed at 58 years. It has been further mentioned that the rules and regulations of the Chandigarh Administration have not been adopted by the Executive Council and therefore, the writ petition has been opposed.

It is settled principle that the right of extension would only be on the basis of some legal statutory right. Counsel for the petitioner has not been able to demonstrate, as such, that there is any rule of the respondent-Society whereby persons beyond the age of 58 years would be allowed to continue.

In the absence of the same, the present writ petition cannot survive for issuance of mandamus and the same is, hereby, dismissed.

15.11.2017

(G.S. SANDHAWALIA)

Sailesh

JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No