

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

CWP No. 2561 of 2017

Date of decision: 13.02.2017

Sudarshan Singh

...Petitioner

Versus

Punjab State Power Corporation Limited and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. S.S. Gurna, Advocate,
for the petitioner.

JAISHREE THAKUR, J. (ORAL)

The instant writ petition has been filed seeking extension of the services of the petitioner after the period of retirement along the same lines as are being granted by the Government of Punjab to its employees in the State cadre.

The petitioner herein joined Punjab State Electricity Board on the post of Assistant Lineman on 27.07.1989. The Government of Punjab amended Rule 3.26 of the Punjab Civil Services Rule Volume-I Part-I and substituted clause “a” and “b” to introduce a policy of extension of service of its employees for a period not exceeding two years post retirement vide amendment dated 08.10.2012. The petitioner herein is seeking extension of the said policy for granting extension in service to the employees after retirement to be made applicable to the employees of the Punjab State Power Corporation Limited.

The Government in its wisdom had amended the Rules in Punjab Civil Services Rules Vol.-I, Part-I by making a provision for two years extension to Government employees of Group – A, B & C on retirement after completion of 58 years of age and Group -D employees on retirement after completion of 60 years of age. This amendment was made applicable to employees of the Punjab Government and who were governed by the Punjab Civil Services Rules.

Admittedly, the petitioner herein who was employed by the Punjab State Electricity Board in the year 1989 and now is an employee of Punjab State Power Corporation Limited seeks mandamus to be issued for the said policy to be made applicable to the employees of Punjab State Power Corporation Limited. It is well settled law that it is the prerogative of the Government/Institution to make or adopt policy as it chose fit and it is not within the purview of this Court to interfere in the making of such policies. In view of the fact that extension in service was done on the basis of an amendment that was brought about in the Punjab Civil Services Rules, same amendment cannot be extended to the employees of Punjab State Power Corporation Limited which is guided by its own rules and regulations.

Even though, Punjab State Power Corporation Limited is a Government Company, it is now a registered Company under the Companies Act having its own independent Board of Directors and until and unless the Board of Directors does not decide to adopt the extension in age as has been introduced by an amendment in the Punjab Civil Services Rules, no cause of action would accrue to the petitioner.

As has already been stated above, no writ of mandamus would lie in such a situation, therefore, the writ petition being devoid of merit is dismissed as such.

13.02.2017

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.