

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

**C.W.P. No. 15434 of 2018 (O&M)
Date of Decision: 05.12.2018**

Chanan Singh

..... Petitioner

Versus

The State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Maninder Singh Saini, Advocate
for the petitioner.

Mrs. Anu Chatrath Kapur, Additional Advocate General, Punjab
for the respondents/State.

JASWANT SINGH, J.

1. Petitioner (*Chanan Singh*), who was working with respondent as Block Officer on attaining age of superannuation, vide order dated 10.03.2015 was granted three (03) years extension from 30.12.2014 to 31.12.2017. The respondent vide order dated 28.12.2017 granted one year further extension from 01.01.2018 to 31.12.2018, however, respondent vide impugned order dated 31.05.2018 (**Annexure P-1**) withdrew the extension and petitioner retired from service w.e.f. 31.05.2018.

2. Instant petition under Article 226 and 227 of the Constitution of India has been filed seeking quashing of order dated 31.05.2018 (**P-1**) whereby extension of service granted to the petitioner has been withdrawn.

3. Counsel for the petitioner contended that respondent has wrongly withdrawn extension because there was no new development and impugned order was passed without granting opportunity of hearing. The impugned order is based upon office order dated 30.04.2015 (**Annexure P-9**)

whereas instructions dated 30.04.2015 (**P-9**) are applicable to those employees who had opted for extension of service but such option is yet to be considered by department whereas extension had already been granted to the petitioner vide order dated 28.12.2017 i.e. prior to date of superannuation (31.12.2017).

4. Learned State Counsel contended that State has every right to cancel extension even without giving prior notice if some misconduct is detected either committed during the period of extension or prior to extension. The petitioner was punished vide order dated 11.09.2013 (**Annexure P-3**), whereby penalty of Rs. 1,31,650/- alongwith stoppage of five (05) annual increments was imposed. The said penalty order has already been upheld by the Principal Chief Conservator Officer (HOPF) vide order dated 25.07.2016, and the petitioner has created false and fabricated documents showing amendment of punishment order. An inquiry was conducted and in the inquiry, it has been found that amendment letter dated 27.10.2016 was created by the petitioner and the Appellate Authority had not granted any relief to the petitioner.

5. The conceded position emerging from record of the case is that the petitioner was promoted as Block Officer w.e.f. 13.03.2012. The petitioner attained superannuation age i.e. 55 years, however, respondent vide order dated 10.03.2015 granted three (03) years' extension from 30.12.2014 to 31.12.2017. The respondent further granted extension of one year from 01.01.2018 to 31.12.2018 which was withdrawn vide impugned order dated 31.05.2018 (**P-1**). As per instructions dated 30.04.2015 (**P-9**), if grave misconduct is committed by an employee during the period of an extension or some previously committed misconduct comes to the notice

during the extended period, extension may be cancelled without any notice.

6. After having examined record of the case and hearing arguments of both the counsel, this Court does not find any merit in the present petition and it deserves to be dismissed. It is admitted fact that extension of service is not vested right of an employee and the State has every right to cancel extension, if some misconduct is detected.

In the present case, the petitioner was undisputedly punished vide order dated 11.09.2013 (**P-3**), whereby five (05) annual increments, besides monetary recovery/penalty, were stopped. The said order has been upheld by the Appellate Authority even though the petitioner tried to present as if the Appellate Authority vide order dated 27.10.2016 had substantially amended punishment order dated 11.09.2013 (**P-3**). The respondent on inquiry found that no such order dated 27.10.2016 amending earlier Appellate Order was passed and this was just creation of petitioner. The conduct of the petitioner is not *bona fide* as is evident from the fact that he had already been subjected to major penalty and he attempted to manipulate / fabricate Appellate Order.

In view of aforesaid findings, this Court does not find any ground to interfere and **impugned order** dated 31.05.2018 (**P-1**) is hereby **upheld**.

“Dismissed”.

December 05, 2018

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**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>