

CWP-4341-2018
Date of decision-22.02.2018

Vs.

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

This writ petition under Articles 226/227 of the Constitution of India has been filed for issuance of a writ in the nature of certiorari for quashing the order dated 16.02.2018 (Annexure P-6) whereby case for extension of second year of service post retirement has been declined.

The petitioner joined the respondent/department as Nurse and superannuated on 31.01.2017. Rule 3.26 of Punjab Civil Services, Vol-I permits two years of extension. Before her superannuation, she had opted for extension in service which was subsequently approved by the respondent/department and accordingly she worked for the extended period of one year up to 31.01.2018. After completion of one year, she was required to submit an option in advance for extension of another one year. Her case for extension was recommended by the Medical Superintendent. Subsequently, she was informed that her case has been rejected on the ground that she has already retired on 31.01.2018. It is further contended that order dated 16.02.2018 (Annexure P-6) declining the grant of extension

is illegal, arbitrary and liable to set aside.

I have heard learned counsel for the petitioner and have gone through the case file.

The relevant Rule 3.26 of Punjab Civil Services provides that an extension shall be given if the State is of the opinion that it is necessary and expedient in public interest to give extension. Such an extension cannot be claimed as a matter of right. It is for the authorities/department to consider whether the services of an employee are required after retirement or not.

Hon'ble the Supreme Court in **P.Venugopal Vs. Union of India, 2008 (5) SCC 1**, has held as under:-

“It is true that in establishments like AIIMS, there is an age of superannuation governing the length of service of its officers and employees. Such age of superannuation may be suitably altered by way of reducing the age so as to affect even the serving employees under appropriate circumstances and no exception can be taken to such course of action. Similarly under the Service Rules, there may be provision for extension of service after the attainment of the age of superannuation and it is well settled that in the event of refusal by an employer to grant an extension, the employee cannot justifiably claim to be deprived of any right or privilege. The view taken is that the employer has a discretion to grant or not to grant such extension having regard to the interest of the employer or the establishment. This view is expressed by this Court in State Bank of Bikaner and Jaipur and Ors. vs. Jag Mohan Lal (AIR 1989 SC 75). In this case, at para 12, this Court observed as follows : (SCC P-226, Para 13)

"13....The Bank has no obligation to extend the services of all officers even if they are found suitable in every respect. The interest of the Bank is the primary consideration for giving extension of service. With due regard to exigencies of service, the Bank in one year may give extension to all suitable retiring officers. In another year, it may give extension to some and not to all. In a

subsequent year, it may not give extension to any one of the officers. The Bank may have a lot of fresh recruits in one year. The Bank may not need the services of all retired persons in another year. The Bank may have lesser workload in a succeeding year. The retiring persons cannot in any year demand that "extension to all or none". If we concede that right to retiring persons, then the very purpose of giving extension in the interest of the Bank would be defeated. We are, therefore, of opinion that there is no scope for complaining arbitrariness in the matter of giving extension of service to retiring persons."

In view of the above, this Court is of the opinion that no fault can be found in the impugned order dated 16.02.2018 (Annexure P-6) particularly when the order does not suffer from any *malafide* against the respondent/department. The respondent/department in its wisdom has thought it appropriate not to grant extension in the public interest.

Consequently, the present writ petition stands dismissed.

(JITENDRA CHAUHAN)
JUDGE

22.02.2018

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No