

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-9819-2018
DATE OF DECISION: APRIL 25, 2018

SUDESH KUMARI

...PETITIONER

VS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Mohit Sadana, Advocate,
for the petitioner.

JASPAL SINGH, J.

Through instant petition preferred under Article 226/227 of the Constitution of India, petitioner-Sudesh Kumari has sought issuance of a writ particularly in the nature of mandamus directing the respondents to grant the benefit of extension policy dated 08.10.2012 (P-1) issued by Government of Punjab and further to set aside order dated 01.08.2013 (P-6) whereby her request for extension on the basis of aforesaid policy has been rejected.

2. Undoubtedly, Government of Punjab floated policy for extension of service vide notification dated 08.10.2012 (P-1) and petitioner was to retire on attaining the age of superannuation i.e. 58 years on 31.05.2013 but prior to her retirement, she applied on a prescribed proforma along with an affidavit for extension of service. Accordingly, after her retirement i.e. 31.05.2013, she was allowed to continue the services till the rejection order was passed and

conveyed to the petitioner on 01.08.2013 that her request has been rejected for extension of her service on the ground that she belongs to “diminishing cadre”. Since, the case of petitioner did not fall strictly within the ambit of aforesaid policy and her case fell in the “diminishing cadre”, she was otherwise not entitled for extension.

3. Here, it would also be pertinent to mention that order was passed on 01.08.2013 and this petition has been preferred in the month of April, 2018 i.e. approximately after 5 years. The period for which extension could have been granted has already expired. Otherwise also, at the time when application for extension of service beyond 58 years of age was filed, petitioner sworn an affidavit dated 11.03.2013 (P-2) and as per column No.6 of the said affidavit, petitioner has categorically undertaken that in case extension was not accepted or granted then she shall work on her own risk and shall not claim salary.

4. In the light of aforesaid facts and circumstances, this Court does not find any merit in instant petition particularly for the reason that the period has already expired and instant petition has been filed approximately after 5 years of her retirement and further that the rejection, if any, is as per the conditions of the policy. Further, the petitioner also cannot claim salary etc. in view of the undertaking given by her. Dismissed.

APRIL 25, 2018
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(JASPAL SINGH)
JUDGE

whether speaking/reasoned: Yes

whether reportable: Yes/No