

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.1922 of 2017 (O&M)
in CWP No. 12228 of 2017
Date of decision: 06.03.2018

Saroj Rana

.... Appellant

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL.
HON'BLE MR. JUSTICE B.S. WALIA.

Present: Dr. Suresh Kumar Redhu, Advocate for the appellant.

B.S. Walia, J.

[1] Challenge in this intra-court appeal is to the order of the learned Writ Court dated 31.05.2017 dismissing the challenge to office order No. HSCCW/6361-76 dated 30.12.2015 (Annexure P-12) denying prayer of the appellant to be allowed to serve beyond the age of superannuation i.e. 60 years.

[2] The appellant/petitioner was working as a Principal in Anganwari Worker Training Centre. On attaining the age of 60 years the appellant was to retire on 31.05.2017. Initially, the age of superannuation in such like projects was 62 years. However, vide order dated 30.12.2015 (Annexure P-12), age of superannuation was reduced to 60 years. However, in cases, employees whose cases were recommended, were given extension upto the age of 62 years.

[3] Grievance of the appellant/petitioner before the learned Writ Court was that despite recommendation having been made for extension of

tenure of the appellant/petitioner upto 62 years, no decision had been taken on the representation.

[4] The learned Writ Court dismissed the writ petition on the ground that the prayer of the appellant/petitioner was not qua an enforceable right.

[5] We have considered the submissions of learned counsel for the appellant.

[6] Admittedly, age of retirement in such like projects is 60 years. Reference has been made to practice of giving extension to an employee superannuating on attaining the age of 60 years in case of recommendation for continuing such employee upto the age of 62 years. The recommendation may have been made for continuing the tenure of the appellant upto the age of 62 years, however, the same is subject to the decision of the competent authority. It is for the competent authority to take a decision in respect of the recommendation as deemed appropriate after taking into account all aspects of the matter including whether the extension is to be granted or not. However, no directions as such can be issued by the Writ Court to the respondents to take a decision with regard to a claim which is not based on an enforceable right.

[7] Accordingly, finding no merit in the appeal, the same is dismissed in limine.

(Rajesh Bindal)
Judge

(B.S. Walia)
Judge

06.03.2018
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| 1. Whether speaking/reasoned : | Yes/No. |
| 2. Whether reportable : | Yes/No. |