

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-11713-2016

Date of Decision: 11.09.2019

Naresh Kumar

.. Petitioner

vs.

Punjab Water Supply and Sewerage Board and Ors

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. S.P.Garg, Advocate
for the petitioner.Mr. Vijay Kumar Kaushal, Advocate
for the respondents.

ARUN MONGA, J.(ORAL)

Grievance of the petitioner, at the time of filing of the writ petition, was qua the denial of one year extension in service on his attaining the age of superannuation i.e. 58 years.

2. Learned counsel for the petitioner contends that extension in service to the petitioner has been denied in violation of the instructions dated 27.02.2013 (Annexure P-3). The said instructions are not under challenge herein and perusal of the same reflects that the extension is not granted as a matter of right. Reference may be had to Clause 3 and Clause 5 (c) (2) which for ready reference are extracted herein below:-

Clause 3

“There after the Department of Finance (Finance Personnel-2 Branch) vide their letter No.22/2/2012-3FP2/607, dated 26.11.2012, clarified to all the departments that this benefit may not be given to the employees of those departments in which projects/schemes are going to be closed or likely to be

closed in near future and in those departments where service cadre has been declared as diminishing cadre, meaning thereby that where due to the retirement/voluntary/resignation/death of the employees or due to any other reasons, as a result of the abolition of posts cadre is diminishing, this benefit of extension of one year service may not be given to officers/officials appointed on such post.

Clause 5 (c) (2)

No further extension shall be granted to the employees working in the Boards/Corporations where cadre of specific categories has been declared as diminishing cadre or where there is surplus staff in any category”

3. In the background of the above instructions, following pointed stand has been taken in the return filed on behalf of respondents No. 1 to 5.

“In this regard, it is respectfully submitted that Petitioner was deputed to work in the scheme of Rehabilitation of Water Supply in Amritsar and this scheme stood completed and closed with the result, there were no funds in the scheme to pay for the salary of the Petitioner and thus, no extension was granted to the Petitioner. The instructions contained in letter No.1/7/2002/98-F.D.(PE & D) S.O.1/1261-78 dated 27.2.2013 (Annexure P-3) are manifestly clear on this point. According to these instructions the benefit of extension may not be given to the employees of those departments in which projects/schemes are going to be closed or likely to be closed and whereas, in the present case, the scheme stood already closed. It has been further stipulated in the instructions that the extension of one year service shall not be granted in cases, where the financial position of those Board/Corporation is effected

by granting one year extension in service. In this case, when the scheme stood completed and closed, no funds are left to pay for the salary of the petitioner and also there was no further requirement of the Petitioner with the result that the grant of one year extension to the petitioner would have affected the financial position of Board. In the given facts of this case, the non-grant of extension of one year service to the petitioner is strictly within the four corners of the instructions issued by the State.”

4. The above stand of the respondent has not been controverted as no replication has been filed by the petitioner. In any case in view of the stand taken in the affidavit, wherein it has been expressly stated that the scheme in which the petitioner was working, has since been closed, and there were no funds left to pay the petitioner, therefore, the service of the petitioner could not be extended, no interference is called for by this Court in exercise of extraordinary writ jurisdiction under Article 226 of the Constitution of India.

5. Writ petition is accordingly dismissed being devoid of any merit.

6. No order as to cost.

(ARUN MONGA)
JUDGE

11.09.2019
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Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No