

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

CWP No.16456 of 2018 (O&M)
Date of decision: January 29, 2019

Dr. Usha Kumari ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. D.V. Sharma, Senior Advocate with
Ms. Shivani Sharma, Advocate for the petitioner.
Ms. Anu Chatrath, Addl. A.G. Punjab.

Rajan Gupta, J.(oral)

Mr. Sharma has sought a writ in the nature of mandamus seeking extension in service for the petitioner in view of instructions dated 8.10.2012. He submits that extension cannot be refused arbitrarily by the competent authority.

Reply has been filed by the State. Para 4 of preliminary objections thereof reads as under:-

“4. That in view of the aforesaid facts, the extension beyond 01.07.18 was declined vide letter no.1/49/2018-6HB1/2752 dated 27.06.2018 (Annexure P-6). That is most respectfully submitted that the petitioner has herself admitted that where any complaint or enquiry pertaining to corruption is pending in that case no extension should be given to employee as per instructions issued by the State Government being admitted being matter of record. It is respectfully submitted that a serious complaint regarding financial irregularities is pending against the petitioner and further more she had not reported for duty at her new designated place of posting.”

Apart from the stand taken by the State, admittedly, no right is vested in the petitioner to seek extension in service. The policy only contains enabling powers to the authority to grant extension. It appears, complaint regarding financial irregularities was pending against the petitioner and she had not reported for duty at her new designated place of posting. She was, thus, rightly not considered for extension beyond the age of retirement and her request in this regard was declined. Under the circumstances, the plea for issuing a direction to the respondents to extend the service of the petitioner is misconceived.

Dismissed.

(RAJAN GUPTA)
JUDGE

January 29, 2019
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No