

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-617-2021
(Heard through VC)
Date of decision: 29.01.2021

Harnek Singh**....Petitioner****V/s.****State of Punjab and another****.....Respondents****CORAM: HON'BLE MS. JUSTICE RITU BAHRI.**

Present: Mr. V.K.Shukla, Advocate for the petitioner.

Mr. T.P.S.Chawla, DAG, Punjab.

Ritu Bahri, J. (Oral)

By this petition, the petitioner is seeking quashing of impugned order dated 16.11.2020 (Annexure P-8) whereby the respondents have declined his claim for grant of extension in service beyond the date of his retirement.

The brief facts of the case are that the petitioner joined his service as Agriculture Inspector in the Department of Agriculture, Punjab on regular basis as on 12.12.1986 under the handicapped category. He was subsequently promoted as Agriculture Officer, Deputy Director (Agriculture) and now he is working as District Training Officer. He is due to retire on 31.01.2021 on attaining the age of 60 years. The case of the petitioner is that being National Awardee, he should be extended benefit of two years extension in service keeping in view instructions dated 25.04.2020 (Annexure P-5). Alongwith this petition, the petitioner has also placed on record instructions dated 28.02.1985 (Annexure P-4) in which reference has been made to memo/instructions dated 03.07.1981 whereby incentive had been given to National Awardee Teachers of the State of

Punjab by granting two years extension in service after superannuation.

Learned counsel for the State, on instructions from Mr. Gurvinder Singh, Joint Director, Agriculture (Extension and Training) Department, has clarified that the instructions dated 25.04.2020 (Annexure P-5) has been made applicable only to the Education Department which were issued by the Office of the Director of Public Instruction (Secondary Education), Punjab. The petitioner cannot take benefit of these instructions for extension of his service as Agriculture Department has never followed these instructions and there are no instructions issued by Finance Department for extending the benefit of service after 60 years to another Department except Education Department.

A perusal of instructions dated 25.04.2020 (Annexure P-5) shows that if a person got the incentive of extension in service keeping in view State Awardee, he/she has to forgo benefit of annual increment(s), ACP and promotion etc. Further, the Finance Department has not issued any instructions to give benefit of extension in service after 60 years to the Department of Agriculture and Farmers Welfare.

Hence, no case to quash order dated 16.11.2020 (Annexure P-8) is made out.

Writ petition is dismissed.

29.01.2021

Divyanshi

**RITU BAHRI
(JUDGE)**

**Whether speaking/reasoned:
Whether reportable:**

**Yes/No
Yes/No**