

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

.....

(Heard through Video Conferencing)

.....

**CWP No.2067 of 2021
Date of Decision:29.01.2021**

Daya Singh

....Petitioner

Vs.

State of Punjab and others

.....Respondents

.....

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

.....

Present: Mr. A.P.S. Bhullar, Advocate for the petitioner.

Mr. Daldeep Singh Sukarchakia, Deputy Advocate General,
Punjab for the respondents.

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MEENAKSHI I. MEHTA, J.

The petitioner has preferred this petition for seeking the relief of issuance of a writ in the nature of mandamus directing respondent No.2 to consider his case for extension in service till the age of 60 years in accordance with Rule No.3.26 Chapter III of Punjab Civil Services Rules Volume I (here-in-after referred to as 'the Rules').

2. As per the brief factual matrix as set-forth by the petitioner in this petition, he was appointed as Conductor in Punjab Roadways, Department of Transport, on 17.06.1983 under the Ex-Serviceman Category and presently, he is working as Inspector, Punjab Roadways at Patti. He has

an unblemished service record to his credit. His two daughters, who are unmarried, are 100% blind and are, thus, permanently disabled and they are totally dependent upon him. He has no other source of income and after his superannuation, it would be quite difficult for him to meet out the expenses of his family from the pension. He is quite hale and hearty and fit enough to continue with his job. He had moved an application dated 30.10.2020 to respondent No.3 for seeking extension of his service beyond the age of 58 years, i.e. upto 60 years, which was forwarded by respondent No.3 to the office of respondent No.2 on 16.11.2020 but the same is still pending whereas he is going to superannuate on 31.01.2021.

3. Mr. D.S. Sukarchakia, learned Deputy Advocate General, Punjab, has joined the proceedings in pursuance of the copy of this petition having been sent to the respondent-State in advance.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition at the preliminary stage and have also perused the file thoroughly.

5. Learned counsel for the petitioner contends that keeping in view the facts that two unmarried daughters of the petitioner are permanently disabled, being 100% blind and are totally dependent upon him, the petitioner deserves extension in service upto the age of 60 years as permissible under the Rules and though he moved representation/application Annexure-P3 to respondent No.3 in this regard, which was forwarded to the office of respondent No.2 but the same has not yet been decided.

6. However, learned State counsel argues that Rule 3.26 of the Rules has been amended vide Gazette Notification dated 02.03.2020 whereby the option for seeking extension in service beyond the age of superannuation is no more available to the retiring employees and now, it is entirely for the State Government to grant extension to any employee in service in the public interest only and moreover, the representation/application, as moved by the petitioner, i.e. Annexure-P3, has been decided by respondent No.2 while rejecting it vide the order of even date (he has sent a copy of the said order through Email, which has been taken on the record) and in such circumstances, the petitioner is not entitled to the relief as claimed by him in this petition.

7. Admittedly, the petitioner is going to superannuate from service on 31.01.2021. He moved representation Annexure-P3 for seeking extension of his service for two years but as is explicit from the bare reading of the above-mentioned order of even date passed by respondent No.2, the same has been rejected in view of the fact that Rule 3.26 of the Rules has been amended. Rule 3.26 (as amended) reads as under:-

“3.26. (a) Except as otherwise provided in this rule, the date of retirement of a Government employee shall be as follows, namely:-

- (i) fifty-eight years in the case of Group 'A', 'B' and 'C' employees; and*
- (ii) sixty years in the case of Group 'D' employees;*

Provided that if the State Government is of the

opinion that it is necessary and expedient so to do in public interest, the service of a Government employee or a class of Government employees may be extended and governed in the following manner, namely:-

(A) the Government employee, belonging to Group 'A', 'B' and 'C' service, who are working on the second year of optional extension in service i.e. who have already attained the age of fifty-nine years and who are availing the second year of optional extension in service, or whose second year of optional extension in service is scheduled to start from the 1st day of April, 2020, shall retire on the 31st day of March, 2020, and the Government employees belonging to Group 'D' service and the Persons with disabilities who are working on the second year of optional extension in service after attaining the age of sixty-one years, or whose second year of optional extension in service is scheduled to start from the 1st day of April, 2020, shall retire on the 31st day of March, 2020;

(B) the Government employees belonging to Group 'A', 'B' and 'C' service, who are working on the first year of optional extension in service

i.e. who have already attained the age of fifty-eight years and who are availing the first year of optional extension in service, or whose first year of optional extension in service is scheduled to start any time till the 1st day of September, 2020, shall, upon opting for such extension, retire on the 30th day of September, 2020, and the Government employees belonging to Group 'D' service and the Persons with Disabilities, who are working on the first year of optional extension in service after attaining the age of sixty years, or whose first year of optional extension in service is scheduled to start any time till the 1st day of September, 2020, shall, upon opting for such extension, retire on the 30th day of September, 2020; and

(C) the Government employees belonging to Group 'A', 'B' and 'C' service, who, after attaining the age of fifty-eight years are on the first year of optional extension in service and whose first year of optional extension in service is scheduled to end before the 30th day of September, 2020, shall retire in accordance with clause (d), when he completes the first year of optional extension in

service, and the Government employees belonging to Group 'D' service and the Persons with Disabilities, who, after attaining the age of sixty years are on the first year of optional extension in service and whose first year of optional extension in service is scheduled to end before the 30th day of September, 2020, shall retire in accordance with clause (d), when he completes the first year of optional extension in service:

Provided further that under exceptional circumstances, if the State Government considers it necessary and expedient so to do in public interest, it may extend the service of the Government employee beyond the aforesaid limit, for the reasons to be recorded, in writing.”

8. From a bare perusal of the said rule, it is explicit that the optional extension of the service of the retired/retiring government employees is being wound up in a phased manner and now, the service of a Government employee can be extended beyond the prescribed age of superannuation only “*if the State government is of the opinion that it is necessary and expedient so to do in the public interest.*” Though, the family circumstances of the petitioner, as narrated in the petition, seem to be grim but again, the fact remains that in view of the afore-mentioned rule, it is evident that a

Government employee cannot claim the extension of his service beyond the age of retirement as a matter of right.

9. As a sequel to the foregoing discussion, it follows that the instant petition, being sans any merit, deserves dismissal. Accordingly, the same stands dismissed.

(MEENAKSHI I. MEHTA)
JUDGE

January 29, 2021.

hsp

NOTE:	Whether speaking/reasoned:	Yes/No
	Whether reportable:	Yes/No