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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CWP-15121-1998 (O&M)
Date of decision: May 5, 2022

Pirthi Ram

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.

Mr. R.D. Sharma, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition was filed in the year 1998, *inter alia*, for issuance of a writ in the nature of *Certiorari* to quash the order dated 28.07.98. Further prayer has been made for issuance of a writ in the nature of mandamus directing the respondents to take back the petitioner in service and give all consequential benefits.

2. Petition was admitted on 07.10.1998.

3. When called out for hearing, there is no representation on behalf of the petitioner. It seems that by sheer effluxion of time and pendency of the writ petition for more than 23 years before this Court, it has been rendered infructuous and the petitioner seems to have lost interest in pursuing the same.

4. Even otherwise, petitioner would have superannuated during pendency of the writ proceedings

5. That apart on merits, it is a settled position in law that after attaining the age of 55 years, it is not an unbridled and/or unhindered legal or fundamental right of an employee to continue in service. As per the applicable Instructions issued by the State for a government employee to continue in service after 55 years, his past service record is to be examined and if found fit and entitled, an employee can therefore, be given extension beyond 55 years. Reference may be had to the applicable Instructions in the present case issued vide letter dated 16.08.1983 (Annexure P-3,) relevant part whereof is reproduced herein below:

“2. Now after reconsidering the matter Govt. has decided that extension in service beyond 55 years be given only in eventuality when official/officer has 70% or more confidential reports of good or

better category during last ten years and amended proforma is accordingly being enclosed.”

6. Perusal of the above would reveal that Instructions stipulate that extension in service beyond 55 years is to be given only in an eventuality when official/officer has 70% or more confidential reports of good or better category during the immediate preceding 10 years of his service.

7. In this context, the summary of the Annual Confidential Reports (ACRs) of the petitioner for the past 10 years preceding the passing of the impugned order (which has not been disputed by him) is tabulated herein below:

1988-89	Average
1989-90	Average
1990-91	Average
1991-92	Average
1992-93	Average
1993-94	Average
1994-95	Not available
1995-96	Not available
1996-97	Good
1997-98	Good

8. The above position is a matter of record and in any case, against pleadings in the written statement neither replication nor affidavit has been filed.

9. In the totality of circumstances, having seen his service record, I am of the view that no case of the petitioner is made out to seek extension in service beyond 55 years and the same was in any case examined by the competent authority and after considering the merits thereof, he was found unfit for further extension.

10. No grounds for interference are made out.

11. Dismissed.

(ARUN MONGA)
JUDGE

May 5, 2022
vandana

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