

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

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CWP-11730-2022

Date of Decision: 07.07.2023

Rakesh Kumar

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Amit Kaith, Advocate for the petitioner.

Ms. Shivani Sharma, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J (ORAL)

1. This is a civil writ petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the impugned order dated 23.06.2016 (Annexure P-6) and order dated 03.02.2022 (Annexure P-11), whereby claim of the petitioner to promote/designate him as Technician Grade-I from due date i.e. 30.06.2015, has been rejected.

2. Learned counsel for the petitioner submits that the petitioner attained superannuation on 30.06.2014 after having been granted extension twice by the Department firstly on 30.06.2014 to 30.06.2015 and secondly from 30.06.2015 to 30.06.2016. Thus, no other date of the petitioner's superannuation falls on 30.06.2014. The petitioner claims promotion on the post of Technician Grade-I from the date the post had fallen vacant i.e. 30.06.2015.

3. Learned counsel for the petitioner further submits that the petitioner possessed the requisite qualification and eligibility for promotion

to the post of Technician Grade-I and even though the petitioner was on extension of service, his case should have been considered and he should be accordingly granted promotion and retiral benefits should also be revised.

4. I have heard learned counsel for the petitioner at length and have considered the submissions.

5. A person who attained superannuation ordinarily retires on that date. However, on account of exigency, the Administration may grant him extension of service. In the present case, the petitioner has been granted extension of service after attaining superannuation age twice, the benefit of extension while granting him additional salary has also been made. However, the question arises whether a person can claim promotion after he has attained superannuation merely because his services have been extended, in the opinion of this Court, a person after attaining superannuation cannot be said to be a member of service for the purpose of consideration for promotion. The extension is only for the purpose of the administrative exigencies. A right is not created in his favour after superannuation to claim promotion on any post which falls vacant subsequent to his date of superannuation. Since the date of superannuation of the petitioner falls on 30.06.2014 and the date on which the post has fallen vacant is 30.06.2015 i.e. one year thereafter, the claim of the petitioner is not made out.

6. Keeping in view the above, the present petition is found to be wholly misconceived and accordingly, the same is dismissed.

07.07.2023

D.Bansal

**(SANJEEV PRAKASH SHARMA)
JUDGE**

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