

2023:PHHC:073090

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

CWP-10780-2023 (O&M)
Date of decision: 18.05.2023

Malkit Singh

....Petitioner

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR JUSTICE ANIL KSHETARPAL

Present:- Mr. Kapil Kakkar, Advocate for the petitioner

Mr.Vikas Arora, AAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. The petitioner prays for issuance of a writ in the nature of Certiorari to quash the communication dated 02.05.2023 whereby his request for grant of one year's extension in service w.e.f 01.05.2023 has been rejected.

2. The relevant facts, in brief, are required to be noticed in order to grasp the core issue, which requires adjudication. On 09.10.1989, the Punjab Education Department made a provision for grant of one year re-employment in service after superannuation of teachers, who were the winners of the State awards. Subsequently, in the year 2020, new instructions (Annexure P-3) were issued, which provided for an extension to the recipient of the Young Teacher Award as well as the Administrator Award. Subsequently, the instructions issued on 26.08.2020 were withdrawn and the practice of giving extension to the recipient of the State Teachers Award, Young Teacher Award or the Administrator Award was discontinued. However, on 31.03.2023, again

the practice of giving one/two year extension in service was started for State/ National Award Recipient Teachers. The petitioner herein was awarded the State Award as a co-Administrator while working as a District Education Officer. Hence, the Principal Secretary has taken a decision not to grant extension in service to the petitioner.

3. Learned counsel representing the petitioner contends that the posts of Principal and the District Education Officer are interchangeable and once the instructions issued on 26.08.2020 have been revived, there was no occasion for rejecting the petitioner's request.

4. This Court has considered the submissions of the learned counsel representing the parties. The extension in the period of service after superannuation is in the realm of policy decision taken by the State from time to time. As already noticed, in the year 1989, the instructions were applicable only with respect to the teachers, who were State awardees, however, in 2020 the aforesaid benefit has been extended even to the Administrators. However, now the Government has taken a conscious decision to restrict the benefit of extension of service only to the teachers while excluding Administrators.

5. In view of the aforesaid facts, no ground to issue the writ, as prayed for, is made out.

6. Hence, dismissed.

7. All the pending miscellaneous applications, if any, are also disposed of.

18.05.2023

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

(ANIL KSHETARPAL)
JUDGE