

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

223

CWP-27313-2019
Date of Decision : 16.01.2024

Rama Kant SharmaPetitioner

Versus

State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Neeraj Kalair, Advocate for
Mr. Inderjit Sharma, for the petitioner.

Mr. T.P.S. Walia, AAG, Punjab..

Mr. Karan Vir Sing, Advocate
for respondent No.4.

NAMIT KUMAR, J. (ORAL)

1. The petitioner, who was employee of Municipal Council Sujanpur, District Pathankot and was working as Junior Assistant, has approached this Court by way of filing the writ petition under Articles 226/227 of the Constitutions of India seeking writ of mandamus directing the respondents to grant extension of one/two years of service by virtue of letter dated 30.08.2019 (Annexure P-5) issued by respondent No.3.

2. Separate replies have been filed on behalf of respondents No.1 to 3 and 4. In the reply filed on behalf of respondent No.4- Municipal Council, Sujanpur it has been stated that the letter dated 30.08.2019 (Annexure P-5) issued by respondent No.3 to the Executive Officer, Municipal Council, Sujanpur has been duly considered and the

CWP-27313-2019 2

Committee in its meeting held on 20.09.2019 has resolved not to grant any extension to the petitioner in view of various complaints from the citizens regarding his misbehaviour with the public.

3. Even otherwise, State Government has reviewed the existing Rule 3.26(a) of Punjab Civil Services Rules, Volume 1, Part 1 vide notification dated 02.03.2020 and reduced the age of retirement from 60 to 58 years. The relevant portion of the amended Rule 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 :-
xx xx xx xx xx”

4. The petitioner, who is an employee of the Municipal Council, Sujanpur, District Pathankot cannot claim extension in service beyond the age of 58 years.

5. In view of the above, the claim of the petitioner is hereby rejected and the present writ petition is dismissed accordingly.

16.01.2024 (NAMIT KUMAR)
Kothiyal JUDGE

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No