



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

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CWP-2244-2020

Date of Decision: 10.09.2025

UNION TERRITORY CHANDIGARH ADMINISTRATION AND
OTHERS

...Petitioners

Versus

SIRI NARAYAN AND ANOTHER

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present:- Mr. Parminder Singh Kanwar, Addl. Standing Counsel, with
Mr. Deepak Malhotra, Advocate, for the petitioners.

Mr. Brajesh Mittal, Advocate,
for respondent No.1. (Through V.C.)

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenge is to the order dated 10.05.2019 (Annexure P-1) passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh, by which, direction has been given to the petitioners to grant respondent No.1 the benefit of salary for the first year of deemed extension period out of the two years, by presuming that respondent No.1 has worked so as to pay him full salary for the first year of extension and 50% of the pay and allowances for the second year of extension.

2. Learned counsel for the petitioner argues that extension in service cannot be claimed as a matter of right and in the present case, without adverting to the said issue of law, the Tribunal has held that non-grant of benefit of extension to respondent No.1 is arbitrary and illegal and on the said ground, the benefit of salary for said deemed period of extension



in service, has been granted, which impugned judgement of Tribunal may kindly be set aside.

3. Learned counsel appearing on behalf of respondent No.1 submits that once, there was no justification to deny the benefit of extension to respondent No.1, the benefit of extension and consequently, the benefit of salary granted to respondent No.1 for the said period is perfectly valid and legal.

4. Learned counsel for the petitioners submits that it is incorrect that the record of respondent No.1 was spotless rather, there are certain acts attributed to the respondent which were referred for investigation before the police and keeping in view the said fact itself, as the performance and integrity of respondent No.1 was under investigation, he was denied the benefit of extension in service.

5. We have heard the learned counsel for the parties and have gone through the record of the case with their able assistance.

6. It is a settled principle of law that the benefit of extension cannot be claimed as a matter of right. In the present case, the Tribunal has granted respondent No.1 the benefit of deemed extension in service along with the salary for the said deemed extension period, even though respondent No.1 has not actually worked for a single day during the said period.

7. It may be noticed that certain acts have been attributed to respondent No.1 while he was in service before attaining the age of superannuation, which acts were referred to the police for the purpose of investigation. That itself means that certain aspersions were cast upon



respondent No.1 during his service period.

8. It may be noticed that the benefit of extension in service is to be granted to an employee, who has been exceptional while performing the duties assigned to him/her and will be an asset to the institution even after attaining the age of superannuation, whereas the Tribunal has granted the said benefit of extension to respondent No.1 by treating the extension in service which is to be extended to an employee as a matter of right.

9. The law settled by the Hon'ble Supreme Court of India in ***State Bank of Bikaner and Jaipur and others vs. Jag Mohan Lal***, AIR 1989, SC 75, clearly states that the said benefit of extension in service can only be granted to the competent officers so as to promote the interest of the institution where such employee has been working and not to confer any benefit or favour or right upon retiring officers. Further, as per the judgement of the Hon'ble Supreme Court of India in Civil Appeal No.959-960 of 2000, decided on 27.04.2006, titled as ***D.C. Aggarwal (Dead) by LRs vs. State Bank of India and another***, it has been held that even though the Court gives a direction to an institution to consider claim of an employee for grant of benefit of extension in service period, such institution is not bound to grant such benefit an employee, keeping in view the jurisprudence behind such issue, that benefit of extension is not a matter of right. The relevant paragraphs 25 and 27 of the said judgment are as under:-

“25. The argument for the learned counsel for the appellant proceeded on a misapprehension of the manner in which extension of service is to be granted. In *State Bank of Bikaner and Jaipur and others v. Jag Mohan Lal* (hereinafter "Jag Mohan Lal") this Court had occasion to point out that a rule under which extension of service can



be granted beyond the normal age of retirement, does not invest a legal right in the employee to be granted such an extension. The very same regulation as in this case was interpreted in Jag Mohan Lal (supra) and it was pointed out therein that the sole purpose of giving extension of service is to promote the interest of the bank and not to confer any benefit or favour on retiring officers. It was pointed out that it was not a conferment of a benefit or privilege on officers. Merely because the officer has put in the requisite number of years of service, that does not earn him/her that benefit or privilege. This Court observed:

"The Bank, however, is required to consider the case of individual officers with due regard to (i) continued utility; (ii) good health; and (iii) integrity beyond reproach of the officer. If the officer lacks one or the other, the Bank is not bound to give him extension of service. In this case, the Bank has shown to the High Court that the case of the respondent was considered and he did not fit in the said guidelines. The High Court does not sit in an appeal against that decision. The High Court under Article 226 cannot review that decision." If the bank considers that the continuance of services of an officer is desirable in the interest of the bank, it may allow him to continue beyond the age of superannuation. If the bank considers that the service of the officer is not required beyond the age of superannuation, that is the end of the matter. Further, non-extension of service is no reflection on the calibre of the officer and it carries no stigma.

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27. There is another issue that precludes any relief being granted to the appellant. As a matter of fact, the appellant retired from service on 9.9.1993 and died in 2005. The learned counsel for the appellant contended that even though the appellant had died, his legal heirs could



be granted the monetary benefits on the footing that the appellant was entitled to get extension of service by two years and was also entitled to promotion to TEGS VII. In our view, both these contentions are unsustainable. Even if the appellant were to succeed in his appeal, the most favourable order for him could have been a direction to the respondent-bank to reconsider his case for promotion to TEGS VII as also to reconsider extension of his service beyond the age of fifty-eight years. Thus, even with such a direction, it would not have been possible for us to say that the respondent-bank was bound to grant either of the appellant's claims. Thus, there is no question of monetary relief being granted to the legal heirs of the appellant. Further discussion on this aspect becomes unnecessary since we are not satisfied that the appellant was entitled to any relief.”

10. Even otherwise, it is conceded fact that respondent No.1 has not performed the actual duties during the period of extension in service. Hence, granting of the benefit of salary to respondent No.1 by the Tribunal without him actually working on that post, especially when there does not exist any right to continuance in service after attaining the age of superannuation, will not be in the interest of the institution so as to give the public money to an employee and that too, without there being any right vested in such employee.

11. Keeping in view the settled principle of law settled by the Hon’ble Supreme Court of India reproduced hereinbefore and the discussion made, the impugned order passed by the Tribunal is not only perverse to the facts but also to the settled principle of law noticed and therefore, cannot be sustained.

12. In view of the above, the present appeal is allowed and the



impugned order dated 10.05.2019 (Annexure P-1) passed by the Tribunal is set aside.

(HARSIMRAN SINGH SETHI)
JUDGE

September 10, 2025
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(VIKAS SURI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No