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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CWP-8350-2026****DECIDED ON: 19.03.2026****SHAMIM AHMED****.....PETITIONER****VERSUS****STATE OF HARYANA AND OTHERS****....RESPONDENTS****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Mazlish Khan, Advocate for
the petitioner(s)

SANDEEP MOUDGIL, J**Prayer**

1. This Civil Writ Petition under Articles 226/227 of the Constitution of India seeks issuance of a writ of Certiorari to quash the impugned decision dated 18.12.2025 (Annexure P-7), whereby the petitioner's duly recommended case for a two-year extension in service beyond superannuation was arbitrarily rejected with a direction for reconsideration of the same.

Brief Facts

2. The petitioner was appointed as a Jeep Driver in the Agriculture & Farmers Welfare Department, Haryana on 19.07.2013 against a duly sanctioned post and has since been continuously serving the department without any interruption. During the entire period of his service, the petitioner has worked under the administrative control of the Sub Divisional Agriculture Officer, Nuh and other superior authorities, discharging his duties with utmost diligence, sincerity, and efficiency, to the complete satisfaction of the department.



3. It is submitted that the petitioner has maintained an unblemished service record throughout his tenure. There has never been any disciplinary proceeding, adverse remark, penalty, or vigilance action against him. The Annual Confidential Reports (ACRs) of the petitioner for the period from 01.08.2013 to 30.09.2025 have been duly recorded, reviewed, and accepted by the competent authorities, and all such reports have been graded as “Good” or “Very Good,” with not a single adverse or below-average entry.

4. The petitioner, born on 01.05.1968, is due to retire upon attaining the age of superannuation on 30.04.2026. Being physically fit and medically sound, the petitioner applied for grant of extension in service for a period of two years in accordance with the applicable Government instructions. The petitioner was declared medically fit vide certificate dated 19.09.2025, and his case was processed at the departmental level in due course.

5. After considering the petitioner’s service record, ACRs, medical fitness, conduct, and overall utility, the Sub Divisional Agriculture Officer, Nuh recommended the case of the petitioner for grant of extension in service for a period of two years vide letter dated 01.10.2025. Despite the petitioner fulfilling all the eligibility conditions as prescribed under the Guidelines dated 18.08.2025 and circular dated 02.02.2016, the respondents, in an arbitrary and mechanical manner, consigned/filed the petitioner’s case vide letter dated 18.12.2025, which was communicated to the petitioner on 16.01.2026, without assigning any reasons whatsoever.

6. The impugned action of the respondents in rejecting the petitioner’s case for extension is non-speaking, arbitrary, and violative of the principles of natural justice, as well as Articles 14 and 16 of the Constitution of India, thereby

defeating the very object and purpose of the policy governing grant of extension in service.

Contentions
On behalf of petitioner

7. Learned counsel for the petitioner submits that the impugned action of the respondents in rejecting the petitioner's claim for extension in service is wholly arbitrary, illegal, and unsustainable in the eyes of law. It is contended that the petitioner fulfills all the conditions stipulated under the applicable Government instructions, including an unblemished service record, consistently good ACRs, medical fitness, and a specific recommendation by the competent authority, yet his case has been rejected without any justification.

8. It is further contended that the impugned order dated 18.12.2025 is a non-speaking order, as it does not disclose any reason for denying the benefit of extension to the petitioner. Such an order is liable to be set aside on this ground alone, as it violates the settled principles of administrative law that every administrative decision affecting the rights of an individual must be supported by reasons.

9. Learned counsel also submits that the respondents have failed to apply their mind to the relevant considerations and have acted in a mechanical and arbitrary manner. The action of consigning/filed the petitioner's case, despite a positive recommendation from the Sub Divisional Agriculture Officer, Nuh, reflects non-application of mind and amounts to discrimination, thereby infringing Articles 14 and 16 of the Constitution of India.

10. It is further argued that the policy guidelines governing extension in service have been rendered nugatory by the respondents' arbitrary action. Once the petitioner satisfies all the eligibility criteria laid down in the policy, he has a

legitimate expectation that his case would be considered fairly and reasonably. The denial of extension without any cogent reason defeats such legitimate expectation and is thus legally untenable.

11. Lastly, it is submitted that the petitioner is the sole breadwinner of his family and is medically fit and capable of rendering efficient service. The denial of extension, in the absence of any adverse material, is unjust, harsh, and contrary to the spirit of the policy, and therefore, the impugned action deserves to be quashed and appropriate directions be issued to the respondents to grant the petitioner extension in service in accordance with law.

Analysis

12. This Court has considered the submissions made by learned counsel for the petitioner and has perused the material available on record.

13. At the outset, it is necessary to observe that the grant of extension in service beyond the age of superannuation is not a matter of right, but is purely a matter of policy and discretion vested in the employer. Even where an employee fulfills the eligibility conditions prescribed under the relevant instructions, no indefeasible or vested right accrues in his favour to claim extension as a matter of course.

14. In the present lis, the petitioner has sought to assail the impugned communication dated 18.12.2025 primarily on the ground that the same is a non-speaking order and that he fulfills all the eligibility criteria, including possessing an unblemished service record, good ACRs, and medical fitness. However, mere fulfillment of eligibility conditions does not obligate the respondents to grant extension. The competent authority is required to consider the case in light of administrative exigencies, overall requirements of the department, and other

relevant factors, which may not necessarily be reflected in the communication impugned herein.

15. This court finds itself called upon to examine the limits as embarked upon it under *Article 226* of the Constitution of India and the legitimacy of judicial review in the sphere of administrative discretion. It is here that the enduring principles laid down by the Supreme Court in the landmark judgment of “***Tata Cellular v. Union of India, (1994) 6 SCC 651***”, assume central importance and can be a guiding factor to draw support from. The apex Court drew a fine yet firm boundary between judicial scrutiny and administrative autonomy, holding that while courts do not sit in appeal over administrative decisions, they remain the sentinels on the *qui vive* where arbitrariness or illegality intrudes. Judicial review of administrative actions are permissible only on the grounds of illegality, unreasonableness or irrationality and procedural irregularity.

16. The contention of the petitioner that the impugned order is non-speaking and thus liable to be set aside is also not sufficient to warrant interference in the facts of the present case. It is well settled that in matters relating to extension in service, which are essentially in the realm of executive discretion, detailed reasons are not required to be recorded in the same manner as in quasi-judicial proceedings, particularly when no civil or vested right of the petitioner is being curtailed.

17. This Court also does not find any material on record to substantiate the plea of mala fides, arbitrariness, or discrimination. The mere fact that the petitioner’s case was recommended at a lower level does not bind the competent authority to grant extension, as such recommendations are not determinative and are always subject to approval by the higher authority.

18. The plea of legitimate expectation raised by the petitioner is equally misconceived. The doctrine of legitimate expectation cannot be invoked to claim a benefit which is discretionary in nature, especially when the governing policy does not create any enforceable right in favour of the employee. The petitioner, therefore, cannot seek enforcement of extension in service on this basis.

19. It is also pertinent to note that the impugned action merely declines extension in service beyond the age of superannuation, and does not visit the petitioner with any civil consequences such as stigma, penalty, or adverse finding. The petitioner is being retired on attaining the prescribed age of superannuation in the normal course, and thus no prejudice, in the legal sense, can be said to have been caused.

20. In exercise of jurisdiction under Articles 226 and 227 of the Constitution of India, this Court does not sit as an appellate authority to substitute its own decision for that of the competent authority, particularly in matters involving administrative discretion, unless the decision is shown to be patently arbitrary, mala fide, or in violation of statutory provisions. No such case has been made out in the present petition.

21. Accordingly, finding no merit in the present writ petition, the same is dismissed.

(SANDEEP MOUDGIL)
JUDGE

19.03.2026
anuradha

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