



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 1743 of 2022
Date of Decision: August 4, 2025

Dr. Susheela Rana ... Petitioner
Versus
State of Himachal Pradesh and othersRespondents
Coram

Hon’ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting? Yes.

For the petitioner Mr. C.N. Singh, Dr. Nidhi Singh and Mr. Anshul Gandhi, Advocates.
For the respondents Mr. Anoop Rattan, Advocate General with Mr. Rajan Kahol and Mr. B.C. Verma, Additional Advocates General & Mr. Ravi Chauhan, Deputy Advocate General, for respondent Nos. 1 to 4/State.

Sandeep Sharma, J (Oral)

Petitioner herein, who had been working as professor and head Department of Anatomy, at Lal Bahadur Shastri Government Medical College, Ner Chowk, District Mandi, has approached this court in the instant proceedings, filed under Art. 226 of the Constitution of India, seeking therein direction to respondents to permit her to serve the afore College till her attaining age of 65/68 years, in terms of Notifications dated 25.6.2020, 17.12.2021 and 13.12.2023 (page-198), whereby it came to be notified that faculty Members of Dr. Y.S. Parmar Government Medical College, Nahan, Dr. Rajindra Prasad Government Medical College, Tanda and Pandit Jawahar Lal Nehru Government Medical College, Chamba and Lal Bahadur Shastri Government Medical College, Ner Chowk i.e. Professors/ Assistant

Professors, who opted for change of their cadre from their institutions i.e. I.G.M.C, Shimla and Dr. RPGMC, Tanda before their retirement, shall be considered for extension in service upto the age of 68 years, subject to terms and conditions enumerated therein.

2. Precisely, the facts of the case, which may be relevant for adjudication of the case at hand and as emerge from pleadings adduced on record are that in the year 2016, Government of Himachal Pradesh, decided to open four new Government Medical Colleges in the State and to meet requirement of teaching faculty, issued Notification dated 22.4.2016, regarding reemployment/extension in service to the faculty members of Government Medical Colleges in the State (Annexure P-3). Since despite there being decision of reemployment/ extension taken vide Notification dated 22.4.2016, teaching faculty requirement in newly opened Government Medical Colleges could not be met, in September, 2016, respondents decided to recruit medical faculty from the State cadre and from the existing medical colleges i.e. Dr. Rajindra Prasad Government Medical College, Tanda and IGMCM Shimla by offering various incentives i.e. promotion, pay incentives, age of retirement, separate cadre, extension in service upto 65 years, re-employment after 65 years, etc. Once, incentives were declared, vide Notification dated Annexure P-4, Government of Himachal Pradesh decided to order that upper age limit for recruitment/appointment of faculty members in Lal Bahadur Shastri Government Medical College Ner Chowk shall be 65 years. However, same shall be applicable only for faculty coming at SLBS Ner Chowk, after

retirement from Government health institutions (State/Centre). Afore Notification further provided that extension shall be provided as per existing Government policy/Notification dated 25.4.2016.

3. Vide notification dated 4.3.2017, petitioner who was earlier working as Associate Professor in the Department of Anatomy, IGMCM Shimla, came to be deputed in respondent No.3 college as designated Professor, Department of Anatomy, SLBS Government Medical College Mandi at Ner Chowk, for a period of one year. Since it was decided that the petitioner shall be considered for regular promotion to the post of Professor, subject to her opting as per policy, during her stay at respondent No.3-College, petitioner came to be given various incentives, as such, she gave her consent/option for serving with respondent No.3 and on 17.03.2017 (Annexure P-6), she was relieved from her duties. Thereafter, petitioner was given promotion as Professor, in Department of Anatomy, SLBS Government Medical College, Ner Chowk, Mandi, vide Notification dated 27.9.2017 (Annexure P-7). Vide Notification dated 25.6.2020, respondent-State with a view to overcome the shortage of teaching faculty in the newly opened Government Medical Colleges provided incentive for existing teaching faculty in existing Government Medical Colleges, i.e. reemployment/ extension in service. Since despite there being aforesaid Notification, shortage of teaching faculty in newly opened Government Medical Colleges continued, respondent vide Notification dated 17.12.2021 (Annexure P-10) announced more incentives, attracting more faculty members from Government Medical Colleges i.e. Dr. RPGMC,

Tanda, Tanda and IGMCM, Shimla to opt for change of their cadre under Encadrement policy for extension of service upto maximum age of 68 years in their respective colleges, subject to certain criteria.

4. Though, petitioner herein had opted to work at respondent No.3- college in terms of policy decision taken by respondent No.1 vide notifications dated 25.6.2020 and 17.12.2021, whereby existing faculty was promised to be given extension till the age of 65 years, but to utter dismay of petitioner, vide Notification dated 17.2.2022 (Annexure P-11) respondent ordered superannuation of the petitioner at the age of 62 years, with effect from 28.2.2022. On the same day, respondent No.1 issued Notification dated 17.2.2022, considering the case of petitioner for reemployment in service with effect from 1.3.2022 as Professor in the Department of Anatomy, SLBSGMC, Mandi at Nerchowk, against vacancy for a period of one year or till the post is filled up by regular channel. Though, against aforesaid unexpected action of respondents, petitioner made representations dated 19.2.2022 and 23.2.2022, praying therein for grant of extension in terms of Notifications dated 25.6.2020 and 17.12.2021, but nothing favourable was heard and petitioner was relieved vide letter dated 28.2.2022. Feeling aggrieved the petitioner approached this court in the instant proceedings, praying therein for following reliefs:

“i) Issue a writ of Certiorari, Mandamus or other appropriate writ Order or direction quashing the Notification dated 17.02.2022 (Annexure P-11) as well as Relieving (sic: Reliving) order/letter dated 28.02.2022 (sic: 28.02.2022) (Annexure P-14) for all intents and purposes.

- ii) Accordingly Issue a writ of Certiorari, Mandamus or other appropriate writ Order or direction directing the Respondent to consider the case of the Petitioner for continuity in service, extension in service in terms of Policy/ Notification dated 25.04.2016 (Annexure P-3), 14.09.2016 (Annexure P-4), 17.12.2021 (Annexure P-10) immediately.
- iii) In the event of grant of Relief No. i) to ii) Issue a writ of Certiorari, Mandamus or other appropriate, writ Order or direction, quah the Notification dated 17.12.2022 (Annexure P-12) accordingly.
- iv) Issue a writ of Certiorari, Mandamus or other appropriate writ Order or direction, directing the Respondents 1 to 3 to allow the Petitioner to serve the Respondent No.3 up to the age of 65-68, as regular Professor on the post of professor (Anatomy) in the Department of Anatomy at Sh. Lal Bhadur Shastri Government Medical College Mandi at Nerchowk, District Mandi, Himachal Pradesh, with all consequential benefits and for all intents and purposes.”

5. Before taking note of response filed by respondents, pursuant to notice issued in the instant proceedings, it would be apt to take note of the fact that vide order dated 29.3.2022, passed in the instant proceedings, Notification dated 17.2.2022 (Annexure P-11) and relieving order dated 28.2.2022 (Annexure P-14), were ordered to be stayed, as a result whereof, petitioner continued to discharge duties in respondent No.3 College, as Professor, Department of Anatomy. However, during pendency of present petition, respondents herein without leave of the court, proceeded to pass order dated 6.3.2025 (Annexure NA/ P-1, page 354 of paper book), thereby superannuating the petitioner at the age of 65 years, whereas, as has been noticed herein above, petitioner had been claiming extension upto the age of 65-68 years, in terms of policy decision dated 17.12.2021 (Annexure P-10).

6. Careful perusal of reply filed by respondents, if read in its entirety, clearly reveals that the facts, as have been noticed herein above, have not been disputed but attempt has been made to defeat the claim of the petitioner on the ground that extension cannot be claimed as a matter of right, rather, decision qua the same shall be taken by competent authority on case to case basis. It is further stated in reply that pursuant to Notification dated 4.3.2017, (Annexure P-5) petitioner as Associate Professor, Department of Anatomy was deputed for a period of one year from IGMC Shimla to SLBSGMC Ner Chowk, subject to her opting in terms of policy regarding reemployment /extension in service to the faculty members of Government Medical Colleges dated 25.4.2016 (Annexure P-3) and 14.9.2016 (Annexure P-4), respectively. Afore notification specifically provided that such faculty will be absorbed in the cadre of SLBSGMC Mandi and change of cadre/ repatriation shall not be allowed in any case, faculty members of IGMC Shimla and RPGMC Tanda, opting for posting in SLBSGMC Mandi, shall be posted on equivalent posts and they shall be considered for promotion to the next higher post by counting past service/teaching experience subject to fitness, secondment/deputation from IGMC Shimla or RPGMC Tanda to SLBSGMC Ner Chowk, shall be considered in exceptional cases and other terms and conditions as notified vide Notification dated 25.4.2016 and 14.9.2016, shall remain the same. Since the petitioner stood promoted against the vacant post of Professor, Department of Anatomy at SLBSGMC Ner Chowk vide order dated 27.9.2016, and was required to be governed by reemployment/

extension policy dated 22.4.2016, which provides for extension in service upto the age of 65 years only, petitioner cannot claim to be retained till her attaining age of 68 years. Most importantly, respondents, have stated in their reply that the respondents have issued notifications dated 1.10.2017, 25.6.2020, 17.12.2021 and 13.12.2023, which provide for extension in service upto the age of 65/68 years, respectively on case to case basis.

7. In response to specific averments contained in the petition with regard to extension given to some of faculty members, upto the age of 68 years, respondents in their reply though have not denied such facts, but have attempted to justify their action by stating that the policy gives them liberty to consider request for extension on case to case basis.

8. Mr. Rajan Kahol, learned Additional Advocate General further argued that since the petitioner never came to be appointed at respondent No.3 college under Encadrement policy, she otherwise cannot avail any benefit of extension in service upto the age of 68 years, in terms of policy decision dated 23.7.2018, 25.6.2020 and 17.12.2021, however, such plea deserves outright rejection for the reason that bare perusal of policy decision dated 17.12.2021, shows that it provides that faculty members, who get absorbed in the college, shall also be entitled for extension in service.

9. Having heard learned counsel for the parties and perused material available on record, this court finds that prior to issuance of Notification dated 4.3.2017, whereby petitioner was deputed to respondent No.3 as Designate Professor, Department of Anatomy, she was working as

Associate Professor at IGMCM Shimla. It is also not in dispute that the petitioner came to be deputed in respondent No.3 College in terms of Notification dated 25.4.2016, whereby it came to be decided for the first time, with regard to reemployment or extension in service to faculty members of Government Medical Colleges in State.

10. Though at first instance, respondents attempted to attract medical teaching faculty against various posts from outside, but since such effort failed, Notification dated 25.4.2016, regarding reemployment/ extension in service to faculty members of existing Government Medical Colleges in the State came to be notified, which from time to time was modified vide Notifications dated 23.7.2018, 25.6.2020, 17.12.2021 and 13.12.2023.

11. As per the aforesaid policy decisions/Notifications, respondent State decided to recruit medical faculty from within the State Cadre and from existing Government Medical Colleges i.e. IGMCM Shimla and RPGMC Tanda, by offering various incentives like promotion, pay, higher age of retirement, separate cadre, extension in service upto 65 years, reemployment after 65 years etc. and subsequently vide Notifications dated 25.6.2020, 17.12.2021, and 13.12.2023, it also came to be decided that faculty shall be given extension in service upto the age of 65/68 years.

12. Though, petitioner herein was sent on deputation for a period of one year to respondent No.3 College, but admittedly, on account of various incentives, petitioner gave her consent/option for serving with respondent No.3

and she was given promotion as Professor, Department of Anatomy in respondent No.3 College, vide Notification dated 27.9.2017.

13. Pursuant to Notification dated 27.9.2017, petitioner after being absorbed in respondent No.3 college, became regular faculty of respondent No.3 College. Vide Notifications dated 25.6.2020 and 17.12.2021, new incentives were added for attracting teaching faculty of medical colleges i.e. Dr. RPGMC, Tanda, Tanda and IGMCH, Shimla to opt or who had already changed the cadre under Encadrement policy for extension in service upto maximum age of 68 years in the respective colleges, subject to fulfillment of certain criteria.

14. Precisely, the grouse of the petitioner as highlighted in the petition and further canvassed by Mr. C.N. Singh and Dr. Nidhi Singh, Advocates, appearing for the petitioner is that though, she, taking note of policy dated 25.4.2016, which subsequently came to be further modified vide Notifications dated 23.7.2018, 25.6.2020, 17.12.2021 and 13.12.2023 decided to get herself absorbed in respondent No.3-college, which request was not only considered, but she was also promoted/appointed as Professor, Department of Anatomy in respondent No.3-College, but yet was denied benefit of incentive otherwise promised to be given to her including extension in service. Admittedly, in the case at hand, petitioner after having attained age of 62 years, was ordered to be retired with effect from 28.2.2022 and thereafter she was compelled to approach this court in the instant proceedings.

15. Though, having taken note of policies supra, this court passed order dated 29.3.2022, thereby staying operation of Notification dated 17.2.2022, (Annexure P-11) and relieving order dated 28.2.2022 (Annexure P-14) but interestingly, during pendency of the case, respondents issued order dated 6.3.2025 thereby retiring petitioner on her attaining age of 65 years. While placing heavy reliance upon aforesaid document, Mr. Rajan Kahol, learned Additional Advocate General vehemently argued that since the petitioner has already attained age of 65 years and she has been given benefit of Notification dated 17.12.2021, nothing much is left to be decided in the instant proceedings. He further argued that petitioner herein cannot be permitted to take benefit of Notifications dated 23.7.2018, 25.6.2020, 17.12.2021 and 13.12.2023, which came to be issued subsequent to her absorption in respondent No.3 College, on 27.9.2017. He further argued that otherwise also, case of the petitioner for extension upto the age of 68 years cannot be accepted at this stage, for the reason that she stands superannuated. He states that no extension can be claimed by a retired employee, rather at best he/she can be offered reemployment, which in the case of the petitioner was offered, but she refused to accept the same. To substantiate his aforesaid argument, Mr. Kahol, relied upon judgment dated 17.11.2022 passed by a Co-ordinate Bench of this Court in CWP No. 3392 of 2020, titled **Ravinder Nath Pathak and another v. State of Himachal Pradesh and another**, wherein it came to be ruled that extension is granted to an employee who is in service and no extension can be granted after

retirement, rather, after retirement, he/she can only be granted re-employment.

16. To the contrary, Mr. C.N. Singh, learned counsel for the petitioner, while refuting aforesaid submission of Mr. Rajan Kahol, learned Additional Advocate General, vehemently argued that no doubt, petitioner's absorption in respondent No.3 College, was pursuant to policy dated 25.4.2016, but since aforesaid Notification came to be further amended vide Notifications dated 23.7.2018, 25.6.2020, 17.12.2021 and 13.12.2023, and during such period, petitioner herein was in service, she is also required to be given benefit of extension in service upto the age of 68 years, as has been done in the case of number of similarly situate persons, (Annexure P-17, P-22 and P-24, P-25). He further submitted that from day one, respondents have not kept their promise, because, though initially, the petitioner was brought to respondent No.3 college on deputation with a promise that she would get promotion to the post of Professor, Department of Anatomy and would continue to serve till age of 65 years but yet, she was retired at the age of 62 years, vide Notification dated 17.2.2022, which benefit otherwise was available to her while serving at IGMSC Shimla. However, subsequently, pursuant to order passed by this court on 29.3.2022, though, the petitioner continued to work till the age of 65 years, but thereafter, respondent without obtaining leave of this Court, proceeded to retire her, vide Notification dated 6.3.2025, purposely, to scuttle her claim of extension upto the date of 68 years in terms of policy decision dated 17.12.2021 and 13.12.2023.

17. At this stage, Mr. Rajan Kahol, learned Additional Advocate General specifically referred to communication dated 27.11.2021 (Annexure R-1), to state that once, petitioner herself prayed for extension of three year, with effect from 1.3.2022 to 28.2.2024 and such prayer of her stands accepted, she is further estopped from claiming extension upto the age of 68 years, in terms of policy decisions dated 17.12.2021 and 13.12.2023. While responding to aforesaid submission of learned Additional Advocate General, Mr. C.N. Singh, learned counsel for the petitioner submitted that though on 27.11.2021, petitioner had requested for extension upto age of 65 years, but since vide communication dated 17.12.2021, it came to be notified that Professors and other faculty shall be given extension upto the age of 68 year, coupled with the fact that request, if any, to retire her at the age of 65 years, was accepted on 6.3.2025, petitioner herein is well within her right to claim re-employment upto the age of 68 years, in terms of Notifications dated 17.12.2021 and 13.12.2023.

18. True, it is that vide order dated 29.3.2022, this court stayed Notification dated 17.2.2022 (Annexure P-11) and relieving order dated 28.2.2022, (Annexure P-14), whereby petitioner was ordered to be retired at the age of 62 years, but once, respondents had intended to retire petitioner at the age of 65 years, they were expected to approach this Court to apprise that now since petitioner has attained age of 65 years, they may be permitted to retire her.

19. Though, Mr. Kahol, learned Additional Advocate General argued that since precise case of petitioner from day one was to have extension upto 65 years and no prayer was made for extension upto the age of 68 years, there was no requirement, if any, for the respondents to approach this Court before passing order dated 6.3.2025, but this court is not persuaded to accept the aforesaid explanation, for two reasons viz. firstly in any eventuality, during the pendency of the case, respondents ought not have issued Notification dated 6.3.2025, thereby retiring the petitioner at the age of 65 years, without leave of this court and secondly, relief clause of petition if read in its entirety, clearly reveals that the petitioner besides seeking relief of extension upto the age of 65 years, has also prayed for extension upto the age of 68 years.

20. If it is so, respondents especially taking note of Notifications/policies dated 17.12.2021 and 13.12.2023, whereby they themselves provided for extension upto the age of 68 years, ought to have approached this court, before passing order dated 6.3.2025. Since the respondents, did not approach this Court before passing order dated 6.3.2025, thereby retiring petitioner at the age of 65 year, this court has reasons to presume and believe that order dated 6.3.2025, was purposely passed by the respondents, with a view to prevent, petitioner from seeking further extension upto the age of 68 years.

21. No doubt, petitioner herein was deployed with respondent No.3- College, in terms of reemployment/extension policy dated 25.4.2016, which provided for extension upto the age of 65 years but since aforesaid policy came to be modified from time to time, vide Notifications dated 23.7.2018,

25.6.2020, 17.12.2021 and then on 13.12.2023, additional benefit, if any, accruing pursuant to aforesaid Notifications should have also been made available to petitioner, especially when she was in service upto 6.3.2025. Latest policy decision dated 17.12.2021 and 13.12.2023, clearly provide that teaching faculty shall be considered for extension in service upto age of 68 years.

22. True, it is that policies if read in their entirety, suggest that extension in service cannot be claimed as a matter of right, rather same shall be considered on case to case basis, but at the same time, this court cannot lose sight of the fact that while making decision to permit teaching faculty to continue upto age of 65/68 years, no discrimination can be made *inter se* two employees. As has been taken note herein above, respondents in cases of persons as detailed in Annexures P- 17, 22, 24 and 25 have granted extension upto the age of 68 years, however, for no justifiable reasons, same benefit is being denied to the petitioner.

23. If reply filed by respondents and other pleadings adduced on record by them, are read in conjunction they nowhere suggest that conduct of the petitioner was such that she cannot be granted extension or she during period of extension upto age of 65 years, failed to perform her duties to the satisfaction of employer and as such, there was no occasion, if any, for the respondents to deny similar treatment to the petitioner. There is nothing in the reply filed by respondents that as of today, post of Professor, Department of Anatomy in respondent No.3 College stands filled up on regular basis, rather,

information received by petitioner under Right to Information Act, 2005, available at page No.308 of paper-book, clearly reveals that 13 posts of Professors are vacant in respondent No.3 College and in total there after 54 vacancies of Professors, Assistant Professors and Associate Professors. If it is so, this court sees no reason for respondents to not consider the prayer of petitioner for extension in service. At this stage, Mr. Kahol, learned Additional Advocate General argued that at no point of time, petitioner made request, if any, for extension of service upto 68 years of age, but such plea of learned Additional Advocate General does not appear to be correct for the reason that vide communication dated 6.3.2025, addressed to Secretary, Health and Family Welfare, petitioner prayed for extension in service upto the age of 68 to 70 years in terms of policy decision dated 17.12.2021 and Notification dated 13.12.2023, but till date, no decision has been taken on the same(Annexure P-10 & Annexure A-3).

24. Having taken note of the prayer made by petitioner and policies, noted herein above, this Court, before passing instant order, gave repeated opportunities to the respondents to consider the case of the petitioner in light of policies. One of the detailed order dated 3.6.2025 reads as under:

2. “Having perused communication dated 8.4.2025, issued under the signatures of Special Secretary (Health) to the Government of Himachal Pradesh, where afore authority, while considering the communication dated 6.3.2025 made by the petitioner herein for extension of service till her attaining the age of 68 years, this Court finds that prayer made on behalf of the petitioner for extension of her service upto 68 years has been not considered in light of notification dated 13.12.2023 issued by the Government of Himachal Pradesh with

regard to reemployment in service to the faculty members of Government Medical/ Dental Colleges of the State. Clause 2 of aforesaid policy clearly reveals that faculty members of Dr. YSPGMC Nahan/ Dr. RKGMC Hamirpur/Pt. JLN GMC Chamba and SLBSGMIC Mandi at Ner Chowk i.e. Professors, Associate Professors, before superannuation which is fixed 62 years would on case to case basis get an extension in service upto a maximum age of 68 years in the respective Medical Colleges, subject to criteria laid down below aforesaid Clause. As per aforesaid provisions, prayer made on behalf of the faculty, be it Professors and Associate Professors shall not be considered in case regular faculty member, if any, available in the feeder cadre is likely to gain eligibility for the post within one year of the date of retirement of the faculty member, who is seeking extension in the concerned college in that department. Besides above, person seeking extension should also be eligible to hold administrative positions i.e. HOD, Vice Principal and Principal etc. However, after superannuation though they would be considered for re-employment, but shall not be eligible for holding any administrative positions after 68 years. Since reply filed by the respondents nowhere suggest that petitioner does not fulfill aforesaid criteria laid down in Notification dated 13.12.2023, this Court is persuaded to agree with learned counsel for the petitioner that respondents did not adopt fair approach, while considering her prayer for grant of extension upto the age of 68 years.

3. Learned Additional Advocate General prays for and is granted ten days' time to have fresh instructions in light of observations made hereinabove as well as condition contained in notification dated 13.12.2023.

List on 27.06.2025."

25. Pursuant to afore order, respondents placed on record instructions dated 9.7.2025 and 2.8.2025, reiterating the stand already taken by them in their reply to the petition.

26. At this stage, this court can take judicial note of the fact that in almost all the Government Medical Colleges in the State, there is shortage of teaching faculty. Day in and day out, orders are being passed by Principal Division Bench in public interest litigation, thereby directing respondents to ensure filling up of the various posts of teaching faculty lying vacant in Government Medical Colleges.

27. It would be apt to take note of reply filed by respondents Nos. 1 to 3 in CWP No. 2491 of 2025, titled **Dr. Ritika Sharma v. State of Himachal Pradesh and others** (Annexure P-7 colly), which reads as under:

“12(h) That the Government Medical Colleges of the State are grappling with overall faculty deficiency as per NMC norms. Last year, the NMC imposed a penalty of Rs.12 lakh per Government Medical College due to this deficiency. Consequently, the issuance of NOCs to faculty members to join other institutions is not feasible, as it would further exacerbate the faculty shortage, adversely affecting UG/PG Student and patient care.”

28. It is quite apparent from reply filed by respondents, that repeatedly, State Government has been cautioned by National Medical Commission with respect to overall faculty deficiency. Last year, National Medical Commission imposed penalty of Rs.12.00 Lakh per Government Medical College, for faculty deficiency, but despite that the State Government has not learnt any lesson.

29. Consequent upon imposition of penalty and shortage of teaching faculty, it is not only public at large, which suffers, but students studying in such institutions, may not get NOCs for further applying to PG super specialist courses.

30. Otherwise also, conduct of respondents in this case has not been upto mark from day one. Firstly they made petitioner, who was working in IGMC Shimla, to join respondent No.3, promising her promotion and other incentives, but yet on her joining, respondent No.3 college, she was retired at the age of 62 years. This Court intervened vide order dated 29.3.2022, as a result of which, she continued to serve upto 6.3.2025, whereafter respondents proceeded to retire petitioner at the age of 65 years, without obtaining leave of this court, purposely to ensure that the petitioner does not claim extension upto the age of 68 years, pursuant to policy decisions dated 17.12.2021 and 13.12.2023. Respondent-State being 'welfare State' is expected to work impartially without there being any bias, but it seems that the respondents have become very touchy about the action of petitioner inasmuch as she approached this court, for her rightful claim. Despite there being repeated opportunities given by this court to reconsider the matter, respondents have reiterated that the petitioner cannot be granted extension upto the age of 68 years, as she was appointed in respondent No.3 in terms of policy dated 25.4.2016, but while making such submissions, respondents conveniently ignored the fact that aforesaid Notification came to be amended from time to time and ultimately vide Notifications dated 17.12.2021 and 13.12.2023, respondents themselves decided to give extension in service upto the age of 68 years.

31. Since the petitioner was very much in job as on 6.3.2025, she is entitled to benefit of policy decisions dated 17.12.2021 and 13.12.2023. This

court cannot have any quarrel with the exposition of law, set out in **Ravinder Nath**, supra, wherein it was held that extension is granted to an employee, who is in service and no extension can be granted after retirement. However, it is a peculiar case, where respondents during the pendency of the case, fully knowing that prayer with regard to petitioner's claim of retirement at the age of 68 years, is pending adjudication before this court, proceeded to issue Notification dated 6.3.2025, thereby retiring petitioner at the age of 65 years, that too with seemingly ulterior motive to prevent her from claiming extension in service upto the age of 68 years.

32. Though at the time of superannuation of petitioner, at the age of 65 years, work was available with the respondents, which is otherwise evident from notification dated 25.06.2025 (Annexure R-1), whereby petitioner was offered reengagement for a period of six months, but yet she was denied extension upto the age of 68 years. Once, work was very much available and persons, similarly situate to petitioner, were allowed to work till the age of 68 years, there was otherwise no occasion for the respondents to deny similar benefit/treatment to the petitioner, who otherwise has unblemished service record.

33. Consequently, in view of the detailed discussion made supra as well as law taken note above, this court finds merit in the petition, which is accordingly allowed. Orders dated 17.2.2022 (Annexure P-11), 28.2.2022 (Annexure P-14) and order dated 6.3.2025 (Annexure NA/P-1) are quashed and set aside. Respondents are directed to consider the case of petitioner, for

extension in service upto the age of 68 years, as has been done in case of other persons detailed in Annexures P- 17, 22, 24 and 25. Needless to say, on account of quashment of aforesaid orders, petitioner shall be deemed to be in continuous service and respondents shall take a decision in the matter, taking note of the fact that petitioner has not yet retired.

August 4, 2025
(Shankar)

(Sandeep Sharma),
Judge