



CWP-7466-2017 (O&M)

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

CWP-7466-2017 (O&M)

Date of Decision: 28.07.2025

Sangeeta Bahl

...Petitioner

Vs.

Chairman, Chandigarh Housing Board and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Rohit Seth, Advocate with
Mr. K. Vinay, Advocate for the petitioner

Ms. Deepali Puri, Advocate with
Ms. Brea Sandhu, Advocate and
Mr. Arjun Dhaliwal, Advocate for
for Chandigarh Housing Board

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of order dated 03.04.2017 whereby she was retired at the age of 58 years and denied extension of one year.

2. The petitioner in 2017 was working with respondent-Chandigarh Housing Board as Superintendent Grade-II. She was having more than 30 years service to her credit. The respondent adopted instructions dated 30.10.2015 of State of Punjab with respect to extension beyond age of superannuation i.e. 58 years. The petitioner was going to retire on 31.03.2017. As per requirement of instructions, she filed option



for extension. The competent authority considered his five ACRs which were found very good. The authority decided to call ACRs of entire service. ACRs of entire service were considered and nothing adverse in the ACRs was found. The recommending authority recommended case of the petitioner and ordered to put up the matters before Chairman who did not accede to request of the petitioner and ordered to retire her at the age of 58 years. The order was passed on 03.04.2017 and she was made to retire w.e.f. her date of superannuation i.e. 31.03.2017.

3. Mr. Seth submits that despite good/very good ACRs during entire service, the petitioner was not granted extension, whereas similarly situated employees having adverse entries or facing departmental proceedings were granted extension. The discrimination was writ large. There was no reason to deny extension. The respondent exercised power in arbitrary and unreasonable manner.

4. Learned counsel for respondent submits that petitioner had proceeded on leave and Executive Engineer reported her conduct which compelled the authority to pass impugned order. By order dated 28.02.2018, it was decided not to grant extension to any employee and even extensions already granted were decided to be withdrawn if not implemented.

5. I have heard learned counsel for the parties and perused the record.

6. From the perusal of reply as well as arguments of Ms.Deepali Puri, Advocate, it is evident that entire case of respondent is



underpinned on the allegation that petitioner was habitual absentee. The said para whereby the Executive Engineer has reported the conduct of the petitioner is reproduced as below:-

“In this regard, it is intimated that Smt. Sangeeta Behl, Supdt. (Gr-II) is irregular in attending this office despite the office order No.26 dated 27.01.2017 of the office of W/Chairman, CHB Chandigarh.

Firstly, she did not intimate about her joining but the same was received by this office on 21.02.2017 and the matter was complained to your office for further intimation to higher office vide this office letter No.239 dated 17.02.2017. Now, all of a sudden she has proceeded on long leave as intimate to undersigned by Sr. Assistant of the Branch without any intimation to this office.

Again, she was asked to be careful in attending important correspondence of this office such as letters to M.C, RTI reply, Legal cases etc. vide this office letter No.281 dated 01.03.2017 (copy of your office) & CE, CHB. Surprisingly, she replied vide this office receipt No.516 dated 01.03.2017, “It is submitted that the undersigned has been holding the charge of Supdt. (Circle)-I & II in addition to Divisio NO.1 (Supdt. & Accountant) of Division No.VI (Supdt. & Accountant) & Sitting in Room No.36. It is difficult for the undersigned to move to & fro. It is therefore, requested to kindly send the dak in Circle office to avoid unnecessarily delay so that undersigned may not be blamed on flimsy grounds.”

It shows that she is not interest in working with this office due to the reason best known to her. It also shows that she is dictating terms to the undersigned that if we want to get the dak cleared we should specially depute a person to take all the files to her in Room No.36.



In view of above, it is requested that her behaviour & working may please be brought to the notice of higher officers, CHB, Chandigarh and it is also requested that somebody else may kindly be disputed as Supdt. with this office so that the work of this office does not suffer further.”

From the perusal of the said report, it is evident that averments made in the reply as well as during the course of arguments are contrary as well as beyond the record considered at the time of passing of the impugned order. From the aforesaid paragraph, it cannot be concluded that the petitioner was a habitual absentee during her service career. The matter of extension was considered in February’ 2017 and her conduct of February’ 2017 has been made basis to deny her extension. It seems that respondent just to cover up its illegalities has raised a lame ground. The respondent is unable to refute that an employee facing departmental proceedings was granted extension. She had filed option one day prior to her date of retirement. The said option was unconditionally approved.

7. The petitioner has already attained age of more than 60 years. Respondent vide regulation dated 28.02.2018 has decided not to grant extension to any employee beyond 58 years. In these circumstances, it is not possible to direct respondent to grant extension. It would be in the fitness of things and interest of justice, if petitioner is granted solace in the form of salary of one month. Accordingly, the respondent is directed to pay to petitioner a sum equivalent to last drawn salary within two months from today.



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8. Disposed of.
9. Pending application(s), if any stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

28.07.2025

Deepak DPA

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