

'Centre's man' UP chief secy gets 3rd service extension, to serve till govt formation after 2024 polls

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Lucknow: In an unprecedented case ahead of the beginning of an election year, the government of India has given a third service extension to Durga Shanker Mishra, chief secretary of Uttar Pradesh, till 30 June, 2024. By this time, the general elections will be completed and a new government would have been formed at the Centre.

Mishra, widely seen as the “centre’s man” in UP, has been given one-year service extensions twice in the past — on 30 December, 2022, and 29 December, 2021. His third service extension came on 30 December, 2023, a day before his second extension was set to end.



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According to an order issued by the department of personnel and training (DoPT), ministry of personnel, public grievances and pensions, Bhupinder Pal Singh, under-secretary to the Government of India, the UP government had sent a letter to the Centre seeking a six-month service extension for Mishra on 30 December “in relaxation of rule 16 (1) of AIS (DCRB) Rules, 1958 by invoking Rule 3 of AIS (CS-RM) Rules, 1960”, after which the same was approved.

ThePrint has accessed the order.

Rule 3 of the All India Services (Conditions of Service -Residuary Matters) Rules, 1960, gives the central government the power to relax rules and regulations in certain cases where it is satisfied that the operation of any rules made or deemed to have been made under the All India Services Act, 1951 (61 of 1951), or any regulation made under any such rule, regulating the conditions of service of persons appointed to an All India Service, causes undue hardship in any particular case.

It states that in such a case, the central government may, by order, “dispense with or relax the requirements of that rule or regulations, as the case may be, to such extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable manner.”

Rule 16 (1) of All India Services (Death Cum Retirement Benefits) Rules, 1958, states that a member of the service “holding the post of Chief Secretary to a state government may be given extension of service for a period not exceeding six months on the recommendations made by the concerned state government with full justification and in public interest, with the prior approval of the central government.”

Rule number 3 of the AIS (CM-RM) Rules, 1960, had to be invoked to relax rule 16 (1) of the AIS (DCRB) Rules, 1958, because the third service extension to Mishra would have violated the same.

A day after the order was issued, Mishra met UP Chief Minister Yogi Adityanath early Sunday and gave him a bouquet of flowers.

Posting a picture of the meeting on X, Mishra [wrote](#): “According to the PM’s vow for ‘viksit Bharat (Developed India)’, I will fulfill my responsibility to ensure all-sided development of citizens and better and easy lives for them, with full honesty and dedication under the guidance of the CM.”

Speaking to ThePrint, Jawhar Sircar, retired IAS officer who served as the CEO of the Prasar Bharati and is now a Rajya Sabha MP from the Trinamool Congress said that the extension, although not illegal because a government rule had enabled the same, was a “travesty” of natural justice and normative behaviour.

Meanwhile, former secretary to the Government of India, E.A.S. Sarma, said to ThePrint, that such extensions not only block promotion opportunities for competent junior officers but also compromise the political neutrality of civil servants.

Mishra receiving another extension has left the hopes of several IAS officers from the 1987-1990 batches — who are set to retire in the next six months — dashed. These include Mahesh Kumar Gupta, S. Radha Chauhan, Anita Singh (who served as Principal Secretary to CM in the Mulayam and Akhilesh Yadav governments), Sudhir Garg, Kalpana Awasthi, Amit Mohan Prasad and Hemant Rao.

“Manoj Kumar Singh, who is currently holding the posts of industrial and infrastructure development commissioner and agriculture production commissioner, is generally viewed as the next chief secretary of the state after Mishra, given the trust that he enjoys in the top echelons of the UP government,” a state government official noted.

Fortunately for Singh, he still has over a year of service left and is retiring in July 2025.

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DS Mishra’s previous extensions

Mishra was appointed as the chief secretary of UP after he was given a one-year extension of service following an order issued by the ministry of personnel on 29 December, 2021 — two days before he was set to retire and was repatriated to the UP government.

The move, which had the political and bureaucratic circles abuzz, was seen as the Modi government assigning its point person in the state to keep a leash on the UP government.

On 30 December, 2022, Mishra was given a [second](#) service extension — a day before his previous extension was set to end — in what was considered as “unprecedented” in the history of Indian bureaucracy.

Before his repatriation to UP in December 2021, Mishra was serving as the housing and urban affairs secretary in the ministry of urban development since June 2017 and before that, he was holding the post of an additional secretary in the same ministry.

He was also appointed as the chief resident commissioner of UP in 2022.

According to Sarma, the series of undue extensions reported to have been given in the case of Mishra are “unprecedented” to the best of his knowledge.

“These days, it has become a practice for the political executive to grant repeated extensions to

retiring senior officers, as seen in the case of the director of Enforcement Directorate (ED) and several others at the Centre,” he said.

“With the general elections scheduled to take place soon, such extensions will adversely impact the integrity of elections. If the Election Commission wishes to function as an independent authority as it should, it should invoke its power under Article 324 and intervene immediately to prohibit such tenure extensions,” he said.

Sarma said that in the case of D.S. Mishra, “the way his term was extended in 2021 a couple of days before he was to retire when he was Union Secretary and strangely repatriated to UP as Chief Secretary made a mockery of good governance and, also perhaps a mockery of the Centre’s role in a federal system.”

“From what I hear, it is the Centre that has once again granted yet another highly objectionable extension in his case, perhaps in view of the coming elections. This is a fit case for the Election Commission to step in and stop it. Otherwise, the Commission itself will lose its public and credibility. I sincerely hope that the Commission will do everything to justify its status as the custodian of free and fair elections,” he said.

According to Sircar, while service extensions being granted to a particular IAS officer is not something that hasn’t been witnessed in the past, the Centre under Narendra Modi as PM has seen a series of such extensions given to select officers of IAS, IRS (enforcement directorate) and IPS (central bureau of investigation).

“The trend started with Nripendra Mishra’s appointment as principal secretary to the PM in 2014 when the government issued an ordinance to enable former chairpersons of telecom regulatory authority of India (TRAI) to take up employment with the government post their retirement,” he said.

Sircar added that after that, a series of such extensions were granted to other IAS, IRS and IPS officers after that.

“The only principle that holds is ‘you show me the man, I will show you the rule’. Many officers who worked with Modi during his chief ministership became the knights of his central regime. Look at the way the directors of the Enforcement Directorate and CBI have been given extensions. In the case of the ED, the Supreme Court had to say that the extension to the agency’s director was illegal, only after which, a new director was appointed,” he said.

In November 2018, SK Mishra was appointed as the ED’s director for a fixed period of two years. Though he was set to retire in November 2020, his tenure was extended for a year after which a petition against the extension was moved in the Supreme Court, alleging that it was a violation of Section 25 of the Central Vigilance Commission (CVC) Act which stipulated that the director’s tenure would be for two years.

Despite a 2021 court ruling against further extensions, two ordinances passed by the government allowed it to extend Mishra’s tenure, leading to a third extension. In July 2023, the Supreme Court deemed Mishra’s extension illegal, resulting in Rahul Navin’s appointment as the new ED director in September 2023.

(Edited by Zinnia Ray Chaudhuri)

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