



2025:UHC:1487-DB

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPSB No. 157 of 2018 <u>Hon'ble Manoj Kumar Tiwari, J</u> <u>Hon'ble Vivek Bharti Sharma, J.</u> 1. Mr. Rajendra Dobhal, learned Senior Counsel assisted by Mr. S.K. Maithani, learned counsel for the petitioner. 2. Mr. G.S. Negi, learned Additional C.S.C. for the State of Uttarakhand. 3. Mr. Akshay Pradhan, learned counsel for respondent no. 3. 4. Principal, Sri Guru Ram Rai Post Graduate College has challenged the orders dated 05.03.2018, 30.06.2017 & 21.03.2017 passed by State Government. By these orders, petitioner was asked to release arrears of salary and other service benefits to respondent no. 3, till the time he attained age of superannuation, i.e. 65 years. 5. Admittedly, respondent no. 3 was serving as Associate Professor in Sri Guru Ram Rai Post Graduate College, Dehradun; he was terminated from service by the Committee of Management of the College vide order dated 05.09.2011; Respondent no. 3 challenged his termination in a writ petition, which was decided in his favour vide judgment dated 03.12.2015 and coordinate Bench directed for his reinstatement in a subsequent writ petition. 6. It is not in dispute that respondent no. 3 completed 60 years of age on 11.09.2011. A coordinate Bench in WPSB No. 240 of 2013 held that Teachers of Universities / Degree / Post Graduate Colleges, who were in employment on



		04.09.2012, would be entitled to continue in service upto 65 years of age in terms of recommendation made by the UGC. 7. It is also not in dispute that age of superannuation of Teachers of Universities / Degree / Post Graduate Colleges earlier was 60 years, which was enhanced to 65 years, but the benefit of enhancement of superannuation of age was available only to such Teachers who were continuing in service as per then prevailing conditions of service, as on 04.09.2012. Since respondent no. 3 completed age of superannuation i.e. 60 years as per the then prevailing Rules on 11.09.2011, therefore, State Government was not justified in directing the Principal, Sri Guru Ram Rai Post Graduate College to release salary, including arrears, to respondent no. 3. 8. Learned counsel for respondent no. 3 submits that respondent no. 3 was continuing in service, after completing 60 years of age, on the strength of interim order passed in WPSB No. 254 of 2011. Continuance of respondent no. 3 in service, after attaining age of superannuation as per the then prevailing rules on the strength of interim order, will not entitle him to salary from Public Exchequer. He shall, however, be at liberty to stake claim for salary from Committee of Management by filing a Civil Suit. 9. In such view of the matter, the writ petition is allowed. The impugned orders dated 05.03.2018, 30.06.2017 & 21.03.2017 are quashed. (Vivek Bharti Sharma, J.) (Manoj Kumar Tiwari, J) 04.03.2025 <i>Aswal</i>
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