

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

CWP No. 15336 of 2014
Date of decision: 18.11.2015

Avtar Singh Randhawa and others

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Vikas Singh, Advocate,
for the petitioners.

Mr. Avinit Avashti, AAG, Punjab.

Mr. Anupam Singla, Advocate,
for Sarv Shiksha Abhiyan.

G.S.SANDHAWALIA, J. (Oral)

The petitioners challenge the orders dated 24.09.2013 (Annexure P-4 to Annexures P-7), whereby, they were given one month's notice for termination of the service contract on the ground that they had completed the age of 65 years. Their representation has also been rejected subsequently vide order dated 12.02.2014 (Annexure P-13).

It is a matter of record that the petitioners were appointed on contract basis after retirement for initial period of one year on 22.09.2009 by the respondent-authority. As per clause 7, the said services were renewed. However, on account of their attaining the age of 65 years, the notices regarding termination of the service contract were issued to them and they were given one month's notice. They represented against the said termination and this Court directed that a speaking order be passed. The

authority has reiterated the decision on the ground that the maximum upper age of 65 years for employees who were re-employed has been taken. In view of that, the notice has been served and, therefore, the termination has been justified. Clause 14 of the contract provides that the petitioners are to be governed by the Rules of the Authority as per their policies. Clause 14 reads thus:-

“14. You will be governed by Sarva Shiksha Abhiyan Authority; Punjab rules as well practices/policies as enforced from time to time in respect of matters not covered by this letter. Sarva Shiksha Abhiyan decision on all such matters shall be final and binding on you.”

In view of the said policy, whereby, the authority has taken a decision to terminate the services of the employees after the age of 65 years, no fault can be found in view of the contract inter se the parties. The petitioners have no vested right to continue beyond the age of 65 years.

Dismissed.

18.11.2015
shivani

(G.S. SANDHAWALIA)
JUDGE