

(103) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.2235 of 2017 (O&M)
in CWP No.21425 of 2017
Date of decision: 25.01.2018

Barjinder Pal Dhiman

.... Appellant

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL.
HON'BLE MR. JUSTICE B.S. WALIA.

Present: Mr. Harinder Sharma, Advocate for the appellant.

Rajesh Bindal, J.

Order passed by the learned Single Judge dismissing the writ petition, whereby the claim of the appellant for permitting him to continue in service till the age of 62 years, was rejected, has been impugned in the present intra-court appeal.

The appellant in the present case was working as a Librarian in Government Bikram College of Commerce, Patiala. As per the Rule 3.26 (a) of the Punjab Civil Services Rules Volume I, Part-I the age of retirement of a government employee is 58 years. The appellant was allowed to continue till the age of 60 years on grant of two extensions of one year each in view of the proviso added to the aforesaid Rules by the State. The claim made before the learned Single Judge was that the University Grants Commission having recommended 62 years as age of superannuation for the College Librarians, the appellant should have been permitted to continue in service till that age. The aforesaid recommendation of the University Grants

Commission was even accepted by the State and a notification dated 20.09.2007 (Annexure P3) in this regard was also issued but the same is not being implemented.

The learned Single Judge declined relief to the appellant for the reason that the instructions of the University Grants Commission or notification issued by the State cannot override the Statutory Rules framed under Article 309 of the Constitution of India. There is no amendment made in the Rules till date permitting the College Librarians to continue till they attain the age of 62 years. In the absence thereof, there is no error in the order passed by the learned Single Judge.

Accordingly, the appeal has no merit and the same is dismissed. Consequently, the application seeking condonation of 2 days' delay in filing the appeal is also dismissed.

(Rajesh Bindal)
Judge

(B.S. Walia)
Judge

25.01.2018
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Whether speaking/reasoned: Yes/No.

Whether reportable : Yes/No.