

CWP-12708-2016 (O&M)

-1-

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

CWP-12708-2016 (O&M)

Date of Decision: May 20, 2019

Dr. Kamlesh Kumar Dhiman

... Petitioner

vs.

Panjab University Chandigarh & Ors

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Amar Vivek, Advocate with
Ms. Neha Rathi, Advocate, for the petitioner.

Mr. Arvind Seth, Advocate, for respondent No.1.

Mr. Dinesh Kumar, Advocate, for respondent No.4.

Mr. Vishal Satija, Advocate for
Mr. Ashe Kumar Goyal, Advocate, for respondent No.5.

Mr. Puneet Gupta, Advocate, for respondent No.6.

ARUN MONGA, J.(ORAL)

Petitioner herein has staked his claim for continuation in service upto the age of 65 years as per the Homeopathy Central Council (Minimum Standards Requirement of Homeopathic Colleges and attached Hospital) Regulations, 2013 framed by Central Council of Homeopathy which are stated to have been adopted by the respondent-Panjab University in its Senate meeting dated 29.06.2010.

2. Learned counsel for respondent No.4 submits that similar controversy was adjudicated upon vide a Single Bench judgment of this Court rendered in CWP-617-2015 whereby, the said claim of similarly situated teachers of the Colleges/University was negated. An intra Court appeal against the Single Bench judgment, vide LPA No. 1505-2016, is still pending before this Court.

CWP-12708-2016 (O&M)

-2-

3. Learned counsel appearing for respondent No.4-College further submits that despite the services of the petitioner having not been extended on attaining the age of 60 years way back on 02.06.2016 when he was divested of his charge as Principal of the College, he has not vacated the official accommodation allotted to him

4. Learned counsel for the petitioner fairly concedes that the petitioner shall vacate the official accommodation within a period of 30 days from today.

5. Without going into the merits and expressing any opinion thereof, suffice at this stage, to observe that the controversy of age of superannuation has already been adjudicated upon vide a Single Bench judgment and an LPA No. 1505-2016 arising therefrom is sub-judice before this Court.

6. In the premise, the writ petition is disposed of with observations that the petitioner is at liberty to agitate his claim depending upon the outcome of the LPA, as noted above. As regards the use and occupation charges of the official accommodation beyond the period of entitlement of the petitioner, the same is also left open subject to the outcome of the LPA. It is, however, made clear that respondent No.4-college shall be at liberty to adjust the amount deductible towards the occupation of the official accommodation beyond the period of entitlement from the emoluments of the petitioner which are yet to be paid.

May 20, 2019
smriti

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No