

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

**CWP-12850-2019 (O&M)
Date of Decision:20.01.2020**

Baljit Singh

... Petitioner

Versus

Punjab University, Chandigarh & others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Mohit Vashishat, Advocate for the petitioner.

Ms. Akshita Chauhan, AAG, Punjab.

Mr. Sanjay Nagpal, Advocate for
Mr. H.S. Dhindsa, Advocate for respondent No.3.

Mr. K.S. Chawla, Advocate for respondent No.4.

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TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioner who was serving on the post of Associate Professor under the Malwa College Bondli, Samrala i.e. a private government aided as also affiliated college with Punjab University, Chandigarh has filed the instant petition assailing an order dated 10.05.2019 (Annexure P-1), whereby he stood superannuated w.e.f. 10.05.2019.

At the stage of preliminary hearing, the submission made by counsel was noticed that under the Punjab University Calender, Volume I, Chapter VIII (E) regulating the conditions of service and conduct of teachers in non-government affiliated colleges, the age of superannuation of an employee shall be 60 years and provided that the employee would retire on the last date of the month in which his retirement becomes due. The entire case projected on behalf of the petitioner was that the petitioner has

completed 60 years of age as on 10.05.2019 and under the relevant Clause, he ought to have retired on 31.05.2019 as opposed to 10.05.2019.

On a subsequent date of hearing, Mr. H.S. Dhindsa, Advocate had entered appearance on behalf of respondent No.3 and had made a categorical statement that the petitioner would have a right to continue in service upto 31.05.2019 i.e. the last date of the month on which he would complete 60 years of age. Accordingly, on 20.05.2019, this Court had directed that the petitioner would report for work forthwith i.e. w.e.f. 21.05.2019 and undertaking of Mr. Dhindsa, Advocate was recorded that the College would not raise any objection if the petitioner joins back inspite of the impugned communication dated 10.05.2019 (Annexure P-1).

During the course of hearing today, Mr. K.S. Chawla, Advocate representing the Principal of the respondent No.4/College has apprised the Court that in deference to the order dated 15.05.2019 and 20.05.2019, the petitioner was permitted to join back and he has been now retired on 31.05.2019.

Such assertion made by Mr. Chawla, Advocate is not refuted by counsel representing the petitioner.

For all intents and purposes, writ petition, as such, has been rendered infructuous. At this stage, counsel for the petitioner would contend that the respondent/authorities have adopted a vindictive attitude inasmuch as the salary for the month of May, 2019 has not been released only for the reason that this Court had been approached by way of filing the instant petition.

Mr. Chawla, Advocate would respond by submitting that there

is an issue as regards 131 books having been retained by the petitioner unlawfully and even a legal notice dated 03.10.2019 having been served upon him.

Be that as it may, against an allegation of the petitioner retaining books unlawfully and of a legal notice having been served, the same would not be a valid justification for withholding salary. Mr. Chawla, Advocate assures this Court that the salary pertaining to the month of May, 2019 would be released to the petitioner within a period of four weeks from today.

Statement of Mr. Chawla, Advocate is accepted.

It is further directed that the admissible retiral benefits if not released to the petitioner till date would also be released within a period of four weeks.

Writ petition is disposed of as infructuous.

Insofar as the issue of retention of certain books, it would be open for the respondent/College to proceed in such matter in accordance with law.

20.01.2020

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |