

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

113+227

CWP No. 7582 of 2019 (O&M)

Date of Decision: 08.04.2022

Dr. Sumangal Roy

....Petitioner

VERSUS

Union of India and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE G. S. SANDHAWALIA
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. R.L. Batta, Senior Advocate with
Mr. Mandeep K. Sajjan, Advocate for the petitioner.

Ms. Shubreet Kaur Saron, Advocate for respondent Nos.2 to 5.

G.S. SANDHAWALIA, J. (Oral)

Petitioner seeks benefit of superannuation at the age of 65 years in view of the Central Government communication dated 23.03.2007 (Annexure P-4) and all India Council for Technical Education Regulations, 2010 dated 22.01.2010 (Annexure P-10), framed under University Grants Commission Act, 1956.

On 06.01.2022, the following order was passed:-

“Mr. Aman Pal has been fair enough to state that the matter would be covered by the judgment in ***Dr. Joginder Pal Singh and others vs. Union of India and others, CWP No.20447 of 2020*** decided by a Co-ordinate Bench on 01.03.2021, which is stated to have been upheld as the SLP filed against the said judgment has been dismissed as withdrawn on 15.12.2021. He, however, points out that the petitioner has been superannuated on 31.03.2019 and therefore, it would be necessary for the petitioner to refund all the retiral dues, if he is to be taken back in service.

Counsel for the petitioner prays for time to seek instructions regarding this aspect.

Adjourned to 24.01.2022.”

Counsel has referred to the communication dated 18.01.2022 (Annexure P-20) sent by the petitioner, wherein the letter was addressed to the Principal, Govt. College of Art, Chandigarh seeking the details of retiral benefits to be refunded, the government account number or the authority with whom he has to deposit the amount. It is accordingly pointed out that in spite of the same, the Principal is not acting upon the communication.

Keeping in view the fact that the matter now stands settled and the fact that SLP was dismissed as withdrawn on 15.12.2021, the present writ petition is allowed. The petitioner is ordered to be granted the same benefit as ordered by the Co-ordinate Bench with all consequential benefits and accordingly, he be put back in service forthwith. The amount, which is to be deposited by him, be intimated to him within a period of four weeks from the date he joins. The petitioner will deposit the said amount due within a period of four weeks thereafter.

The writ petition is accordingly disposed of with the above said observations.

All pending miscellaneous application(s), if any, stand disposed of.

(G. S. SANDHAWALIA)
JUDGE

(VIKAS SURJ)
JUDGE

April 08, 2022
Sachin M.

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No