

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

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CWP-9640-2022

Date of decision : 10.05.2022

Nishan Singh

... Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Rahul Bhargava, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 08.02.2022 (Annexure P-1) passed by the Educational Tribunal whereby his petition seeking continuance in service till the date of 60 years has been dismissed.

Learned counsel for the petitioner submits that in terms of the GNDU Act, 1969, the retirement age of Class-III employees is 60 years and therefore, the petitioner, who is working on the post of Junior Lab Assistant in the college which is affiliated to the Guru Nank Dev University would be entitled to serve till the age of 60 years.

Heard.

The petitioner is an employee of a private college 'Ramgarhia College, Phagwara' which is affiliated to the Guru Nank Dev University. Section 38 of the ordinance which is incorporated in Calendar Volume IV, 2007 stipulates that all whole-time paid members, except persons appointed on contract basis and employees falling under categories mentioned in Ordinance 1(i) and (ii) shall retire on reaching the age of 60 years. Clause 1(i) stipulates the ministerial staff and 1(ii) shows various categories including Lecture

Assistant, Laboratory Technician, Laboratory Assistant, Store Keeper etc. It is manifest that the post of Laboratory Assistant would fall under such exception (ii) and the employee holding the said post would not continue in service till the age of 60 years. Clause 94 of the Statutes of the Guru Nanak Dev University applies to the employees of University and not the employees of private college which is affiliated with Guru Nanak Dev University. The Tribunal has also held that the office circular (Anneuxure P-5) dated 13.06.2019 has been uniformly applied to all unaided staff of the college and thus, the petitioner is not entitled to benefit of continuity in service beyond the age of 58 years. Ramgarhia College, Phagwara, being the employer of the petitioner has the right to determine and fix the retirement age of the petitioner.

Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

May 10, 2022
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No