

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

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CWP-18427-2021

Date of decision : 05.04.2022

Dr. Sukhdev Singh

...Petitioner

V/s

State of Punjab and others

...Respondents

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

Present: Mr. Kamal Deep Sehra, Advocate for the petitioner.

Mr. Sushant Maini, Senior DAG Punjab.

Ms. Sukriti Kaur, Advocate for

Mr. Mayank Sharma, Advocate for respondent No.2.

Mr. Arun Gosain, Senior Panel Counsel
for respondent No.4-UOI.**G.S. SANDHAWALIA, J. (ORAL)**

Challenge in the present case is to the order dated 29.11.2017

(Annexure P-11), passed by the Central Administrative Tribunal, Chandigarh.

Learned Tribunal has rejected the claim of the petitioner whereby he had sought retirement at the age of 65 years in terms of the notification dated 31.12.2008, issued by the Ministry of Human Resource Development, Government of India. The reasoning given by the Tribunal was that the petitioner, who was working as an Associate Professor in the Government College of U.T. Chandigarh Administration, and was bound by the Punjab Civil Service Rules. The stand of the respondents was also that the Punjab Civil Service Rules were applicable to the employees of the U.T. Chandigarh and the age of retirement was 58 years, as contemplated under Rule 3.26 of the Punjab Civil Service (PCS) Rules.

It is not disputed that the Punjab Civil Service Rules were amended at one point of time and there was provision of extension for a period of one year extended for another year at that time which makes up to two years. It is also a matter of record that the petitioner's actual date of retirement was 20.02.2015, but he availed the benefit and was granted extension till 28.02.2017 i.e. for two years. It is accordingly noticed that the neither U.T. Administration had adopted the notification/UGC recommendations nor implemented the UGC recommendations regarding the enhancement of age of the employees. It is further noticed that the said notification was applicable only to the teaching faculty of Central Universities and other Centre funded educational institutions and not otherwise. Resultantly, the benefit has not been granted.

It is an admitted fact, as averred in paragraph 2 of the present petition, that the petitioner was also granted the benefit of two years of extension up to 60 years and was relieved on 28.02.2017. He, thus, availed the benefit of the amendment at that point of time for extension of two years under the PCS (Rules). He cannot be permitted to blow hot and cold at the same time and is estopped from taking such stand itself that the benefit of the notification is now to be awarded to him. The appointment letter has also not been placed on record which would go on to show the terms and conditions of the Rules which were governing his services.

In such circumstances, we are of the firm opinion that the reasoning given by the learned Tribunal does not suffer from any illegality or irregularity which would warrant interference under the extra ordinary writ jurisdiction of this Court.

Another ground for dismissing the writ petition is on the issue of delay and laches. The impugned order, as noticed above, was passed on 29.11.2017 and the writ petition was filed on 09.09.2021 i.e. almost after a period of 4 years. On this account also, this Court is not inclined to exercise its extraordinary jurisdiction to issue notice upon the respondents.

Accordingly, the writ petition is dismissed in limine.

(G.S. SANDHAWALIA)
JUDGE

(VIKAS SURI)
JUDGE

April 05, 2022
Ajay

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