

CWP-30172-2022

Date of Decision: 23.12.2022

Gurmej Singh

..... Petitioner

Versus

Union Territory of Chandigarh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. D.S.Patwalia, Senior Advocate,
Mr. Gaurav Rana, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of a writ of certiorari quashing the order dated 20.12.2022 (Annexure P-10) issued by respondent No.2, whereby in violation of notification dated 29.03.2022 (Annexure P-6) as issued by the Ministry of Home Affairs, conditions of service of the petitioner, who is serving on the post of Associate Professor in respondent-college has been changed to his detriment by adopting notification dated 28.09.2022 (Annexure P-9) as issued by the Government of Punjab, in view of which retirement age of the petitioner is being fixed at 60 years, whereas as per the notification dated 29.03.2022 (Annexure P-6), the age of retirement as per UGC Regulations is fixed at 65 years; along with certain other prayers.

The prayer in the present petition is that the petitioners should not be retired from service; in the college which is affiliated to the Panjab University, till they attain the age of 65 years.

This Court finds that the identical issue has already been considered and decided by a Coordinate Bench by a detailed judgment running into 114 pages rendered in **CWP No. 11988 of 2014**, decided on 16.8.2016 titled as **Dr. Bhura Singh Ghuman v. Panjab University, Chandigarh and others**, after considering all the issues sought to be addressed before that Bench. Hence, this Court is of the considered view that the claim raised by the petitioners in the present petition is squarely covered by the said judgment.

Learned counsel for the petitioner has relied upon the notification dated 29.03.2022 to contend that the employees of Technical University or Institutions governed by AICTE or Higher Educational University or the Institutions governed by UGC are covered by this notification, hence the petitioners are entitled to age of superannuation at 65 years as per the regulations framed by the AICTE and the UGC. However, the very title of this notification makes it clear that this notification is meant for employees of Union Territory of Chandigarh and is defining their conditions of service. So the provisions relied upon by the counsel for the petitioner relates only to the Government Colleges and the Technical University under the administrative control of the Administrator of Union Territory of Chandigarh. It has nothing to do with private but aided institutions. Therefore, this argument of the counsel for the petitioner is without any substance, and hence, liable to be rejected.

Although, counsel for the petitioners has also relied upon the judgment rendered by a Division Bench of this Court in **CWP No. 20447 of 2020** titled as **Dr. Jogender Pal Singh and others v. Union of India and others** decided on 1.3.2021, however, that judgment is not relevant for the

purpose of cases relating to the Panjab University and its affiliated colleges because that case is exclusively relating to the Punjab Engineering College, which is a technical institute, statedly, established and controlled by the Union Territory, Chandigarh.

Accordingly, the present petition is dismissed in terms of the judgment rendered in case of **CWP No. 11988 of 2014**, decided on 16.8.2016 titled as **Dr. Bhura Singh Ghuman v. Panjab University, Chandigarh and others.**

(RAJBIR SEHRAWAT)
JUDGE

23.12.2022
adhikari

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