

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

(102)

**CM-9997, 9998-CWP-2022 &
CM-13220-CWP-2023 in/and
RA-CW-133-2022 in CWP-7582-2019
Decided on : 11.08.2023**

Sumangal Roy

.....Petitioner(s)

Versus

Union of India & others

.....Applicant/review-Respondent(s)

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

Present: Mr.Anil Mehta, Standing Counsel
Mr.Aman Pal, Addl.Standing Counsel
for the applicant/review-respondents.

G.S. Sandhawalia, J. (Oral)

Review petition has been filed for reviewing the order dated 08.04.2022 whereby an attempt has been made to re-argue the matter on merits.

2. On 26.08.2022, the following directions were issued:

“Let an affidavit be filed by the Secretary, Department of Technical Education, U.T. Chandigarh whether the All India Council for Technical Education Regulations, 2010 are applicable on the employees of the Government College Arts, Chandigarh, where the petitioner is working as an Associate Professor.

List on 23.09.2022.”

3. Corresponding affidavit has been filed whereby the following stance has been taken in para No.2:

“2. That the All India Council for Technical Education Regulations 2010 is applicable to the extent of Pay Scales and Qualifications for the Teachers and other Academic Staff in Technical Institutions (Degree) in U.T. Chandigarh, including Government College of Art, Chandigarh.”

4. Nothing has been brought on record along with the affidavit as to how distinction is made that the All India Council for Technical Education Regulations, 2010 are only to the extent of pay-scales and qualifications of Teachers. The said Regulations (Annexure P-10) are very specific and show that the age of superannuation is at the age of 65 years. Apparently, the petitioner was serving as Associate Professor in the School of Arts. It has come to our notice that similarly situated employees have already been given the benefits in CWP-20447-2020 titled *Dr.Joginder Pal Singh & others Vs. Union of India & others*, decided on 01.03.2021. However, the benefits have not been given to the petitioner in-spite of the fact that the writ petition was disposed of on 08.04.2022.
5. We do not find any plausible reason as to how similarly situated persons can be treated on a different footing by the Administration on its own whims and fancies. Resultantly, we are of the considered opinion that there is no scope for review in the above facts and circumstances. The attempt to argue that the age of retirement would be as per the Union Territory of Chandigarh Employees (condition of service) Rules 2022 is an argument now sought to be raised in a review petition which is not permissible as it would not come within the purview of review jurisdiction. The fact remains that the matter being duly covered was disposed off on consent basis.
6. Keeping in view the above discussion, the present review petition stands dismissed. All pending application(s) also stands dismissed.

(G.S. SANDHAWALIA)
JUDGE

(VIKAS SURI)
JUDGE

11.08.2023
Sailesh

Whether speaking/reasoned :	Yes	
Whether Reportable :		No