

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

285

CWP-5965-2024
Date of Decision: 19.03.2024

MAMTA RANI @ MAMTA CHAUDHARY Petitioner
Versus

THE PANJAB UNIVERSITY AND ORSRespondents

CORAM:HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. K.K. Saini, Advocate for the petitioner.

Mr. Akshay Kumar Goyal, Advocate
for the respondents-University.

SANJAY VASHISTH, J.(Oral)

1. On 14.03.2024, the following order was passed by this
Court:

*Present:Mr. K.K. Saini, Advocate and
Mr.Sharma Raj Kumar Mangalsain,
Advocate for the petitioner*

*1. On the very outset, counsel for the
petitioner submits that in the similar matter,
i.e.CWP-5127-2024, notice of motion has
already been issued and same is now
pending for 19.03.2024.*

*2. Counsel for the petitioner produces
a copy of the order dated 04.03.2024,
passed in the above referred writ petition.*

Order says as under:

*“Present:Mr. Kshitiz Goel, Advocate
for the petitioner.*

*Petitioner-Tara Devi, aged 60 years,
has filed the present writ petition for seeking
quashing of the order dated 23.01.2024
(Annexuren P-2), whereby respondents-
Panjab University, has modified the order
dated 22.08.2023 (Annexure P-1) and has
revised the term of the appointment of the
petitioner i.e. from 02.08.2023 to 26.02.2024
(in the petition wrongly typed as the year
26.02.2023 instead of 26.02.2024).*

Learned counsel for the petitioner submits that initially petitioner was appointed on 04.05.1997 as a daily wage helper in the University and the period of service was continued from time to time. Lastly, vide letter dated 22.08.2023, the service period was extended from 02.08.2023 to 31.07.2024. However, vide letter dated 23.01.2024 (Annexure P-2), without giving any opportunity of hearing, said service period is shortened to the period of 6 months by saying that the service would expire on 26.02.2024 instead of 31.07.2024. The reasons assigned therein appears to be that petitioner is completing her age of 60 years on 26.02.2024.

In this regard, learned counsel for the petitioner submits that age should not be the reason for the respondents-University because, the other similarly situated employees namely, Avtar Singh and Som Nath, who have also crossed the age of 60 years, are still working in the University, thus, the action of the respondents-University is discriminatory and is in violation of principles of natural justice.

Notice of motion.

On the asking of the Court, Mr. Krishan Kanha, Advocate, who is present in Court, accepts notice on behalf of the respondents-Panjab University and seeks a short adjournment to get instructions in regard to the submissions addressed by the counsel for the petitioner. Adjourned to 07.03.2024.

To be taken up at 3:00 p.m.”

3. Notice of motion.

4. On the asking of Court, Mr. Indresh Goel, Advocate, accepts notice on behalf of the respondent(s)-University.

5. Adjourned to 19.03.2024.

6. To be taken up alongwith CWP-5127-2024.

2. Mr. Akshay Kumar Goyal, Advocate appearing on behalf of the respondents-University informs the Court that initially while issuing the appointment letter of the petitioner, inadvertently, period of service was mentioned as **“from 02.08.2023 to 31.07.2024”**. Said period was mentioned without realising the fact that the petitioner is

completing her age of 60 years on 12.02.2024. Therefore, the service period of appointment was reconsidered and a fresh order was passed. Counsel submits that admittedly, it was a mistake at the time of issuance of appointment letter first time.

Counsel for respondents-University has produced the order dated 15.03.2024 passed by the Assistant Registrar(Estt.) of the Panjab University vide letter No. 2791-2794/Estt. The same is taken on record. Registry is directed to tag the same at appropriate place in the paper book.

3. Learned counsel for the respondents-University submits that on reconsidering the factual situation, total four persons were found, whose retiral age of 60 years was not noticed at the time of their appointment in the service for the period 2023-2024 and on reconsideration said aspect was clarified and now a fresh office order has been issued, whereby services of the other employees also including Avtar Singh and Som Nath have been dispensed with.

For the sake of convenience, the relevant part of the office order is reproduced hereinbelow:

“

OFFICE ORDER

The Registrar has ordered that the following daily wage Security Guards be relieved from their duty with immediate effect (as they have already attained the age of 60 years):-

- 1. Sh. Avtar Singh-III, Security Staff;*
- 2. Sh. Som Nath, U.B.S.;*
- 3. Sh. Bhupinder Singh, Security Staff;*
- 4. Sh. Gurcharan Singh, Boys Hostel No.1.*

The person concerned may be informed accordingly.”

4. Faced with the factual situation explained and brought on record by the counsel for the respondents, learned counsel for the petitioner seeks withdrawal of the present writ petition with liberty to file a fresh one by challenging the decision of the University, is so advised.
5. Dismissed as withdrawn, with the liberty as stated and recorded hereabove.

March 19, 2024

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Whether speaking/reasoned

Whether reportable?

[SANJAY VASHISTH]

JUDGE

yes/no

yes/no