



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

CWP-7875-2024 (O&M)
Date of Decision : 12-09-2024

**SHIROMANI GURUDWARA PRABANDHAK COMMITTEE AND
ANR**

.....Petitioner(s)

VERSUS

JASWINDER KAUR AND ORS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mrigank Sharma, Advocate
 for the petitioners.

 Mr. Sameer Sachdeva, Advocate
 for the respondents.

HARSIMRAN SINGH SETHI, J. (Oral)

CM-14636 of 2024

This is an application for placing on record the Service and Conduct Rules for Non-teaching Staff of Non Government Affiliated Colleges, Punjab University Calendar Chapter 9, Vol.3 as (Annexure P-8).

In view of the contents mentioned in the application, the same is allowed. Annexure P-8 is taken on record subject to all just exceptions.

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In the present petition, the challenge is to the order dated 30.11.2023 (Annexure P-5) passed by the Education Tribunal, Punjab by which, the benefit of extra 2 years of service has been given as the petitioner was retired on attaining the age of 58 years whereas under the Punjab

University Statute, being working on a non-teaching post, the respondent – employee was entitled to continue working upto the age of 60 years.

Learned counsel for the petitioner argues the finding given by the Tribunal is factually incorrect on two accounts:-

- (1) That the petitioner is not working in the College whereas she was working in the School which was situated in the same campus.
- (2) And further, that there is no rule allowing the non-teaching employees to continue upto the age of 60 years.

Learned counsel for the respondent-employee submits that a finding has been recorded by the Tribunal that Annexure P-1 shows that the petitioner has been retired by the College and not by the School which clearly shows that the petitioner was the employee of the College and not the School as being contended by the petitioner.

Learned counsel for the respondent-employee further submits that even the appointment order of the petitioner, copy of which has been appended as Annexure P-7, clearly shows that the petitioner was appointed in the College and not in the School hence, the contention that the respondent No.1 is the employee of the School being run by the petitioner is incorrect and the same is liable to be rejected.

Learned counsel for the respondent-employee further submits that as per the Rule 14 of the Service and Conduct Rules for the Non-Teaching Staff of the Non-Government Affiliated College, which deals with the age of retirement, the same describes the age of retirement as 60 years and not 58 years.

I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

From the facts which have been detailed hereinbefore including the Annexures P-1 and P-7, which have been passed by the College qua the respondent No.1 with regard to her appointment as well as retirement, the same relates to the College and not to the School.

Learned counsel for the petitioner has not been able to rebut that the orders retiring and appointing the respondent No.1 have been passed by the College.

In case, the petitioner is of the view that the respondent No.1 was an employee of the School, nothing has come on record as to why the appointment order as well as the retirement order has been passed by the College. Nothing has been placed on record with regard to any appointment order of the respondent No.1 by the School concerned hence, it cannot be said that the respondent No.1 is the employee of the School being run by the petitioner rather facts makes it clear that respondents is an employee of the College.

Further, the second argument of the learned counsel for the petitioner is that the respondent No.1 was rightly retired at the age of 58 years. The Rule 14 of the Service and Conduct Rules for the Non-Teaching Staff of the Non-Government Affiliated College, which describes the age of superannuation as under:-

“Every whole time non-teaching employee on attaining the age of 60 years shall retire from service with effect from the afternoon of the last date of the month in which the date of retirement falls.”

A bare perusal of the above, would show that the respondent-employee was entitled to continue upto the age of 60 years being working on a non-teaching post.

Learned counsel for the petitioner has not been able to dispute the same.

Keeping in view of above, no ground is made out for interference by this Court in the present petition hence, the present petition is dismissed.

Pending application, if any, also stands disposed of.

12-09-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
 Whether reportable: YES/NO