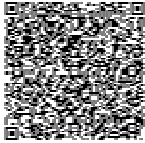


CWP-17091-2024 and
Other connected matters

1

2024:PHHC:125494



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

118+297 (04 cases) +298+304

CWP-17091-2024
Date of Decision : 23.09.2024

DR. RANBIR KAUR BHANGU AND ANOTHER

.... PETITIONERS

V/S

PANJAB UNIVERSITY

.... RESPONDENT

2.

CWP-9863-2024

DR. VIRINDER KUMAR WALIA

.... PETITIONER

V/S

PANJAB UNIVERSITY

.... RESPONDENT

3.

CWP-11626-2024

DR. MEENAKSHI MALHOTRA

.... PETITIONER

V/S

PANJAB UNIVERSITY

.... RESPONDENT

4.

CWP-19787-2024

DR. RITA KANT AND ANR

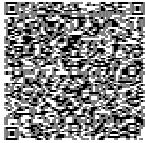
.... PETITIONERS

V/S

CWP-17091-2024 and
Other connected matters

2

2024:PHHC:125494



PANJAB UNIVERSITY

.... RESPONDENT

5.

CWP-21202-2024

DR. NEERA GARG

.... PETITIONER

V/S

PANJAB UNIVERSITY

.... RESPONDENT

6.

CWP-14344-2024

DR. KARANJOT KAUR BRAR

.... PETITIONER

V/S

PUNJAB UNIVERSITY

.... RESPONDENT

7.

CWP-15337-2024

DR. ANEEL KUMAR RAINA

.... PETITIONER

V/S

PANJAB UNIVERSITY

.... RESPONDENT

CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present :- Mr. Sameer Sachdeva, Advocate
for the petitioner (s).

Mr. Akshay Kumar Goel, Advocate
for the respondent (s).

JAGMOHAN BANSAL, J. (Oral)

1. By this common order, the above said petitions are disposed
of as issues involved and prayer sought in all the petitions are common.

For the sake of convenience and with the consent of parties, the facts are

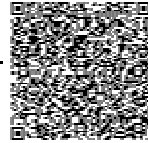


borrowed from CWP-17091-2024.

2. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking direction to respondents to pay them House Rent Allowance (for short 'HRA').

3. There are two petitioners in this petition. The petitioner No.1 retired from Department of Laws on attaining the age of 65 years on 21.06.2020 and No.2 on 02.01.2023. The respondent-University was of the opinion that petitioners are liable to retire on attaining the age of 60 years, however, petitioners and other teachers preferred multiple petitions before this Court. Learned Single Judge dismissed their petitions. They preferred intra court appeals wherein by interim orders, they were permitted to continue till attaining the age of 65 years without prejudice to their rights to mandatory claims in the event of acceptance of appeals. There were a few teachers who were having official accommodation while others were staying in private accommodation. Till the age of 60 years, teachers of the University are entitled to accommodation or in alternative, HRA. The petitioners were not having official accommodations, thus, they were staying in private accommodations.

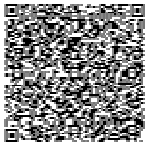
4. The University, after passing of interim orders by a Division Bench of this Court, vide order dated 25.11.2016 formed an opinion that petitioners are entitled to salary excluding HRA as an interim measure. The teachers preferred applications before Division Bench in pending LPAs. A Division Bench of this Court vide order dated 06.12.2016



formed an opinion that order dated 25.11.2016 passed by Vice Chancellor is most fair, just and workable solution. The order dated 06.12.2016 is reproduced as below :

“The appellants and other similarly placed teachers were vide order dated 22.08.2016 allowed to continue in service on re-employment basis till they would attain the age of 65 years and subject to settlement of monetary claims in the event of acceptance of these appeals. In continuation of the said interim order, it was further directed on 26.10.2016 that the emoluments/salary of the appellants shall be released without causing any break in the continuity of service.

The expression “re-employment” used in our order dated 22.08.2016 does not mean that the appellants have acknowledged their retirement from service and thereafter they have been reappointed. The said expression was used, keeping in view the fact that there were formal orders passed against them re: retirement on attaining the age of superannuation. The resultant effect, as clarified in the order dated 26.10.2016, is that the appellants are entitled to continue without any break in service so as to enable them to draw the same emoluments/salary which they were drawing immediately before the order dated 16.08.2016 was passed by the learned Single Judge. In this view of the matter, we direct that the order passed by the learned Vice Chancellor on 25.11.2016 vide which he has directed to pay salary to the appellants as they were drawing immediately before the pronouncement of the order by the learned Single



Judge excluding HRA, as an interim measure and subject to the final outcome of these appeals, is the most fair, just and workable solution. The University is equally justified in asking the appellants to give an undertaking to the effect that the payment made to them pursuant to the ad interim orders, shall be subject to final outcome of these appeals and thus it can be adjusted against the post-retiral dues in the event of non-acceptance of these appeals. The aforementioned arrangement shall continue till further orders.

Post the matter for final hearing on 14.02.2017.

A photocopy of this order be placed on the files of other connected cases”

5. From the perusal of afore-cited order, it is evident that question of entitlement of petitioners to continue beyond 60 years and their emoluments is subject matter of LPA(s). Counsel for the parties are ad-idem that multiple LPAs as well as CWPs are still pending before this Court.

6. In view of pendency of LPAs before this Court, the instant petitions are not maintainable. The petitioners have remedy to raise all issues before the Division Bench.

8. Dismissed.

(JAGMOHAN BANSAL)
JUDGE

23.09.2024
anju

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