



W.P.No.30035 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2025

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.30035 of 2018 and
W.M.P.No.35046 of 2018

P.Thillaimani

... Petitioner

Vs.

Pondicherry University,
Rep. by its Registrar,
R.V.Nagar,
Kalapet, Puducherry 14.

... Respondent

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration to declare that the post of Technical Officer in the respondent University as teaching / non-vacation academic staff and consequently, direct the respondent to extend all the benefits extended to the teaching academic staff including the age of superannuation as 65 years or in the alternative by treating the post of Technical Officer as non-vacation academic staff and extend the age of superannuation as 62 years as extended to non-vacation academic staff working in the respondent University.



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W.P.No.30035 of 2018

For Petitioner : Mr.Balan Haridas

For Respondent : Mrs.Hema Srinivasan

ORDER

This Writ Petition has been filed to declare that the post of Technical Officer in the respondent University as teaching / non-vacation academic staff and consequently, direct the respondent to extend all the benefits extended to the teaching academic staff including the age of superannuation as 65 years or in the alternative by treating the post of Technical Officer as non-vacation academic staff and extend the age of superannuation as 62 years as extended to non-vacation academic staff working in the respondent University.

2. Heard Mr.Balan Haridas, learned counsel for the petitioner, Mrs.Hema Srinivasan, learned Standing Counsel for the respondent and perused the materials available on record.

3. The petitioner who had been appointed to the post of Technical Officer claims himself to be treated as an academic teacher and extend



W.P.No.30035 of 2018

the benefits attached to the teaching academic staff and to give him the benefit of superannuation at the age of 65 or to treat him as non- vacation academic staff and give him the benefit of superannuation at 62 years. The petitioner already has retired on his completion of 60 years of age on 31.01.2019.

4. As per Clause 10 of the Ordinances governing administrative matters of Pondicherry University, the age of superannuation for the petitioner is only 60 years. The said clause is extracted as below for better understanding:

"10.(1) Except as other wise provided in this rule, every employee of the University shall retire from service on the afternoon of the last day of the month in which he attains the age of 60 years provided that an employee whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of sixty years.

(2) No employee shall be granted extension in service beyond the age of retirement of 60 years (save under special circumstances with the sanction of Executive Council).



W.P.No.30035 of 2018

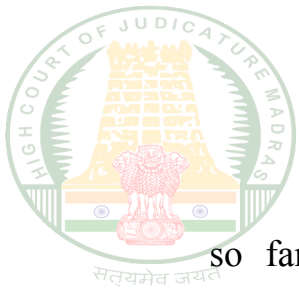
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However, in any case of service exigencies, the services of any employee are required, beyond the age of superannuation, such employee, on a case to case basis may be allowed to continue in service on "re-employment terms and conditions" for a maximum period of two years or till such time, such exigencies ceases, whichever is earlier with the approval of Executive Council.

(iii) An employee, who has elected to retire under this rule and has given the necessary notice to that effect to the Vice-chancellor, shall be precluded from withdrawing his notice except with the specific approval of such authority:

Provided that the request for withdrawal shall be made before the intended date of his retirement."

5. The learned counsel for the petitioner attempted to make an exception by showing the annexure to the Recruitment Rules, wherein it is shown that the post of Technical Officer Grade I would fall under the classification of academic / non-vacation. However, the above recruitment rules does not speak about the terms and conditions of service by explicitly making a mention about the age of retirement. But,



W.P.No.30035 of 2018

so far as the age of superannuation for academic staffs, the UGC regulations has been adopted by the respondent University. As per the UGC regulations, only the Assistant Librarian and Assistant Directors of Physical Education alone are given with the benefit of age of retirement as 62. Two of the persons who were allowed to retire as on 31.10.2019 and 31.12.2019 referred by the petitioner were also worked as Assistant Librarians and come within the regulation parameter of the UGC.

6. In fact, the respondent University has made a specific clarification with the UGC as to the age of superannuation applicable to the Technical Officers. For which, the UGC has sent its clarification *vide* its letter dated 09.10.2020 stating that the career advancement scheme will not be applicable to the Technical Officers (all level). However, it is stated that the modified assured career progression alone is permissible to the post of Technical Officer and they would fall under non-teaching cadre. It is made crystal clear that the age of superannuation for non-teaching cadre is only 60 years.

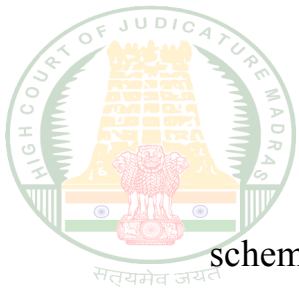


W.P.No.30035 of 2018

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7. However, the petitioner claims that he is also handling the teaching work and that his recruitment itself has been made under the classification academic non-vacation group and hence, he should be treated as a person falling under the academic category or non-vacation academic staff for whom the age of retirement has been stated as 62. It is reiterated that the petitioner though recruited under the classification of academic non-vacation staff, the terms and conditions of service are not similar to the academic staff of the University. In such case, the petitioner can only claim his age of retirement either as per the Pondicherry University Ordinance governing administrative matters or as per the UGC regulations.

8. It is learnt that even the age of superannuation for Assistant Librarian and Assistant Director of Physical Education have been fixed as 62 years by giving them the benefit of Career Advancement Scheme formulated by the UGC. So far as the Technical Officers are concerned, the University High Level Committee or the UGC have not framed any



W.P.No.30035 of 2018

scheme for their career progression or to enhance their age of retirement.

As such, there is no rules or regulations given in favour of the petitioner to state that his age of retirement is 62 years and not 60 years.

9. If the UGC regulations does not accept the petitioner's post of Technical Officer as a teaching category or those posts of non-vacation academic staff whose retirement age is 62 years, the petitioner cannot compel the respondent University to consider his age of retirement as 62 years. The Court also cannot go beyond the rules and regulations and declare that the post of Technical Officer is teaching / non-vacation academic category and that the petitioner is entitled to age of superannuation either at the age of 62 or 65.

10. In view of the above stated reasons, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
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14.02.2025



WEB COPY



W.P.No.30035 of 2018



WEB COPY



W.P.No.30035 of 2018

R.N.MANJULA, J.

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To

The Registrar,
Pondicherry University,
R.V.Nagar,
Kalapet, Puducherry 14.

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