

2025:PHHC:060676-DB



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

LPA-187-2024 (O&M)

Date of decision:29.04.2025

NARINDER PAUL SINGH

.....Appellant

Versus

I.K. GUJRAL PUNJAB TECHNICAL UNIVERSITY JALANDHAR
& ORS.

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE ALOK JAIN**

Present:- Mr. Sameer Sachdeva, Advocate for the appellant.

Ms. Monica Chibber Sharma, Advocate
for respondents No.1 to 3.

SUDHIR SINGH, J.

Challenge in the instant intra Court appeal is to the order dated 13.12.2023 passed by the learned Single Judge, whereby the writ petition filed by the appellant was dismissed.

2. Before the learned Single Judge, the appellant had sought quashing of the order dated 30.08.2019 passed by the respondent-University, ordering his retirement with immediate effect. As per the facts on record, the appellant was appointed as a Dean on regular basis in the respondent-University in 2010. The said post was subsequently re-designated as Dean-cum-Professor. It was the case of the appellant that he had been discharging his academic duties and was also designated as a Supervisor for Ph.D. The University Grant Commission (for short 'the UGC'), as per its Regulations of 2010, had

enhanced the age of superannuation of teachers to 65 years and the said Regulations had been adopted by the Board of Governors of the University, thereby increasing the age of superannuation of the teaching staff to 65 years, but the appellant had been ordered to retire at the age of 60 years. The action of the respondent-University was sought to be quashed being illegal arbitrary and in violation of the UGC Regulations.

3. The said claim of the appellant was contested by the respondent-University by asserting that the appellant was appointed as a Dean, but the said post was not re-designated as Dean-cum-Professor. It was further asserted that a Dean cannot be treated as a teacher. Yet further, it was the case of the respondent-University that the Board of Governors vide its Resolution dated 20.05.2003, decided that all employees of the University, including the appellant, shall retire at the age of 60 years. As regards the persons detailed in Annexures P-38 and P-39, it was the stand of the respondent-University that they were the employees of the Self-Financed Unaided Affiliated Colleges of the University and not that of the respondent-University. The learned Single Judge, after hearing the rival contentions, has dismissed the writ petition holding that the Regulations with regard to the enhancement of age, have to be treated as directory or not mandatory.

4. Learned counsel appearing for the appellant has vehemently argued that vide document Annexure P-3, a copy of the communication from the Registrar of the respondent-University to all heads of the said University, it was circulated that the Board of Governors in its meeting held on 03.07.2015 had decided to adopt

UGC Guidelines in toto for the smooth functioning in the University.

It is further argued that the Board of Governors had further resolved that in case UGC did not have Guidelines on any subject, then the University shall follow the Guidelines of Regulatory Body, such as AICTE. It is, thus, contended that having adopted the Regulations of the UGC, the appellant could not be made to retire at the age of 60 instead of 65. It is further argued that the learned Single Judge, has wrongly held that the Regulations of the UGC with regard to the enhancement of age, are directory and not mandatory, especially when, the UGC Regulations once adopted, would be having binding force on the respondent-University.

5. On the other hand, learned counsel for the respondent-University, contends that the University had adopted the UGC Regulations only for the smooth functioning and not for the retirement purposes. It is further argued that all the employees, including the teachers of the respondent-University, retired at the age of 60 years. Still further, it is argued that the learned Single Judge has rightly held that the UGC Regulations are not binding as the same are directory in nature. It is further argued that the respondent-University is not a Central University and the age of superannuation of 65 years as per the UGC Regulations is not applicable to the staff, including the teachers, of the respondent-University. While referring to the decision dated 20.05.2003 of the Board of Governors, it is argued that in the said meeting, it was clearly resolved that age of superannuation for all the posts shall be 60 years with provision to extend it up to 62 years, in exceptional circumstances. It is, thus, argued that the case of the appellant did not fall in the exceptional category and, therefore, he

was rightly ordered to retire at the age of 60.

6. Learned counsel appearing for the respondent-University has further relied upon the judgments of Hon'ble Supreme Court in Jagdish Prasad Sharma etc. etc. v. State of Bihar & Ors., (2013) 8 SCC 633 and Kalyani Mathivanan v. K.V. Jeyaraj & Ors., (2015) 6 SCC 363, to submit that the respondent-University had taken a conscious decision in respect of the retirement of the appellant keeping in view the financial constraints in this regard. Accordingly, a prayer has been made for dismissal of the appeal.

7. We have heard learned counsel for the parties and have also gone through the paper book, including the impugned order.

8. The only question that arises for consideration by this Court is whether the order passed by learned Single Judge, requires any interference.

9. As would appear from the records of the case, the Board of Governors of the respondent-University took a decision on 20.05.2003 that the age of superannuation of all the posts shall be 60 years with a provision to extend it up to 62 years in exceptional cases. It is not the case of the appellant that his case falls within exceptional category. The only emphasize of the learned counsel for the appellant is on document Annexure P-3 dated 09.07.2015 to assert that the respondent-University had decided to adopt the UGC Guidelines in entirety. However, a perusal of the said document would show that such guideline were adopted only for the smooth functioning in the University. There is no mention in the said communication as regards the adoption of the Regulations of the UGC regarding the retirement age of the employees of the University.

10. Still further, in our opinion the learned Single Judge, has rightly held that the UGC Regulations are directory in nature and not mandatory. It is for the respondent-University to take a conscious decision as regards the enhancement in the retirement age of its employees, keeping in view the financial constraints involved therein. Once a decision was taken by the Board of Governors of the respondent-University as regards the retirement age of the employees, the appellant cannot be heard saying that the UGC Regulations would be having a binding effect on the respondent-University. It is settled law that unless there is a specific adoption of the UGC Regulations/Guidelines by the University concerned, the same will not be automatically binding.

11. We find that the order passed by the learned Single Judge is perfectly legal and valid and there is no scope for interference in the instant appeal.

12. No other point has been urged.

13. In view of the above, finding no merit in the present appeal, the same is hereby dismissed.

14. Pending application(s), if any, shall also stand disposed of.

[SUDHIR SINGH]
JUDGE

[ALOK JAIN]
JUDGE

29.04.2025
himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No