

Ms. Madhu Dayal, Advocate with
Mr. Sukhmani Patwalia, Advocate and
Mr. Abhishek K. Premi, Advocate
for respondent-U.T in ***CWP-26426-2024, CWP-31701-2024***
and ***CWP-12195-2025***.

Mr. Ankit Sharma, Advocate for
Ms. Vaishali Thakur, Advocate
for respondents No.6 and 7 in ***CWP-1171-2024*** and
for respondents No.5 and 6 in ***CWP-24918-2022***.

JAGMOHAN BANSAL, J. (ORAL)

1. As common issues are involved in the captioned petitions, with the consent of both sides, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from ***CWP-12195-2025***.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of letter dated 02.04.2025 whereby her request for permission to continue till the age of 60 years has been rejected.

3. The petitioner at the time of filing writ petition was working as teacher with I.S. Dev Samaj Senior Secondary School, Sector 21, Chandigarh which is a privately managed Government Aided School. The petitioner claims that she should be allowed to remain in service till the age of 60 years because teachers of Government Schools in Chandigarh are allowed to remain in service till the age of 60 years. Prior to 2022, teachers of Government Schools of U.T. Administration were governed by Rules applicable to employees of State of Punjab. In the State of Punjab, age of superannuation of school teachers is 58 years. The U.T. Administration vide notification dated 29.03.2022 has notified Union Territory of Chandigarh (Conditions of Service) Rules, 2022. By said

notification, the employees of U.T. Administration are made subject to Service Rules applicable to employees of Union of India. As per Rules of Union of India, age of superannuation of school teachers is 60 years.

4. The U.T. Administration vide letter dated 02.03.2023 requested Government of India, Ministry of Education to permit to extend age of superannuation of teachers of Government Aided Schools in U.T. Administration from 58 years to 60 years. Relevant extracts of letter dated 02.03.2023 read as:

“It is further submitted that the matter regarding enhancement of retirement age of all the employees of Privately Managed Govt. Aided Schools of UT, Chandigarh at par with the employees of Chandigarh Administration from 58 to 60 years needs concurrence of GOI. The matter regarding Draft Rules for the Chandigarh Privately Managed Govt. Aided Schools of UT Chandigarh is under process. After obtaining the approval of Competent Authority, the said draft Rules will also be forwarded to GOI for obtaining approval to notify the same. At present the employees of Privately Managed Govt. Aided Schools of UT Chandigarh retire from service on attaining the age of 58 years”. If the retirement age is increased from 58 years to 60 years, then total financial implication involved is Rs. 1.90 crore (approx.) for the employees retiring/retired between 30.04.2022 to 31.03.2024.

In view of the position explained above, it is requested to grant approval to enhance the retirement age of teaching and non-teaching employees of 7 Govt. Aided Schools in UT, Chandigarh from 58 years to 60 years w.e.f. 01.04.2022 at the earliest possible.

This issued with the approval of Hon'ble Administrator, UT, Chandigarh.”

5. On 30.01.2022, in **CWP No.24377 of 2023**, the Union of India was directed to explain steps and the proceedings taken/conducted after receipt of the proposal from the U.T. Administration.

6. Learned counsel for respondents-Union of India submit that they have not received complete proposal from U.T. Administration. The Education Department has referred its proposal to Department of Personnel, U.T. Administration. The Union of India would be able to take decision after receipt of proposal from U.T. Administration.

7. Learned counsel for respondents-U.T. Administration are claiming that U.T. Administration has already forwarded its proposal to Union of India.

8. The U.T. Administration despite taking conscious decision is unable to enhance retirement age of Teachers of Government Aided Private Schools on account of lack of decision of Union of India and Union of India is claiming that they have not received complete proposal and matter is still pending with U.T. Administration.

9. Be that as it may, the matter needs to be resolved. The Union of India and U.T. Administration cannot deflect from their responsibility. They cannot shift burden on each other. They are bound to take conscious decision because absence of decision is leaving petitioners in dilemma. By writing letter dated 02.03.2023, the respondent-U.T. Administration has created expectation in the minds of petitioners. There is urgent need to take final decision one or another way. Accordingly, U.T. Administration is directed to send its proposal, if not already sent, within one month from today to Union of India. The Competent Authority of

Union of India shall take final decision one or another way within three months from the date of receipt of proposal from U.T. Administration.

The Authorities shall keep in mind that U.T. Administration has initiated proposal in March’ 2023 and a period of more than three years has already passed away.

10.

Disposed of.
11.

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

(JAGMOHAN BANSAL)

JUDGE

06.03.2026

Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No