

(2025) 12 P&H CK 0017

Punjab And Haryana HC

Case No: Civil Writ Petition No. 10209 Of 2024

Dr. Mahendra Kumar Chhabra

APPELLANT

Vs

Panjab University And Others

RESPONDENT

Date of Decision: Dec. 4, 2025

Acts Referred:

- Constitution Of India, 1950-Article 226, 227

Hon'ble Judges: Jagmohan Bansal, J

Bench: Single Bench

Advocate: Sameer Sachdeva, Lishika Mehta, Akshay Kumar Goyal

Final Decision: Disposed Of

Judgement

Jagmohan Bansal, J

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to permit him to continue upto the age of 65 years with consequential benefits at par with teachers in LPA No.1505 of 2016.

2. The petitioner joined Punjab University as Assistant Professor on temporary basis. As per normal rule, the petitioner like other teachers was supposed to demit office on attaining the age of 60 years. A number of teachers have approached this Court and there are interim orders in their favour permitting them to continue till the age of 65 years. There is no case where this Court has granted said protection to a temporary teacher. The petitioner filed instant petition relying upon orders passed in LPA No.1505 of 2016 and LPA No.1531 of 2016. A Coordinate Bench of this Court vide order dated 03.05.2024 directed the respondent to permit the petitioner to LPAs. The respondent filed reply wherein categoric objection with respect to entitlement of the petitioner to remain in service beyond the age of 60 years was raised. The respondent pointed out that petitioner has wrongly placed reliance upon orders passed in aforesaid LPAs because petitioner is a temporary employee whereas appellants in aforesaid LPAs are regular employees. This Court vide order dated 09.07.2024 vacated interim order dated 03.05.2024 passed in favour of

the petitioner. The operative portion of order dated 09.07.2024 reads as: -

"2. In response, reply has been filed by the respondent(s) - Panjab University, Chandigarh and substantive part of the reply in its extracted form is reproduced hereunder:

"The petitioner intentionally and deliberately did not state the fact of his appointment as Associate Professor purely on temporary basis in the writ petition. His appointment was purely on temporary basis for 11 months each and every year (with one day break) on the recommendation of the Joint Academic and Administrative Committee (JAAC) of the Institute. However, the petitioner has wrongly and illegally filed the instant writ petition to claim the relief of continuity in service on re-employment basis till he attained the age of 65 years citing the interim order dated 22.08.2016 (Annexure P-12) passed in LPA NO. 1505 of 2016 and LPA No. 1531 of 2016 in favour of the regular teachers who superannuated on attaining the age of 60 years.

The Hon'ble Court issued and made applicable the said directions only to the regular teachers (whole-time teachers) serving in the University and not for any other teachers employed and serving on temporary basis, adhoc basis etc. Thus, the petitioner has not got any indefensible right to serve the University on the same terms and conditions as he was initially appointed till the age of 65 years. However, the petitioner who has served as Associate Professor (purely on temporary basis) upto 31.03.2024 got the interim order dated 03.05.2024 passed in the instant writ petition wrongly, illegally and concealing the fact of nature of his employment in the same terms as indicated in the order dated 22.08.2016 passed in LPA No. 1505 of 2016 & LPA No. 1531 of 2016 in favour of the regular teachers who superannuated on attaining the age of 60 years. The interim order dated 22.08.2016 has no bearing or applicability upon the facts of the instant case"

3. Mr. Sameer Sachdeva, Advocate, for the petitioner agrees to the fact that the employees, who were party in LPA No.1505 of 2016 and LPA No.1531 of 2016, undoubtedly, were employees/teachers on regular basis, and said fact has been cleared by him in the writ petition also.

4. Be that as it may, I do not find any reason to protect the service of the petitioner by virtue of the order cited by him qua the regular employees i.e. order dated 22.08.2016, passed in LPA No.1505-2016 (O&M) and LPA No.1531-2016 (O&M) (Annexure P-12).

5. Undoubtedly, there doesn't appear to be an element of concealment on the part of the petitioner's counsel, however, prayer for interim order/stay accepted by this Court vide order dated 03.05.2024 in terms of the stay order mentioned in LPA No.1505-2016 and LPA No.1531 2016, is being reconsidered and thereupon, interim stay is vacated, because, there is no parity of status of service of petitioner with those, who are/were working on regular basis.

However, it would be open for the petitioner to substantiate his right of seeking interim protection/stay on the other grounds, on the next date of hearing."

3. Learned counsel for the petitioner submits that petitioner may not be entitled to benefit of interim orders as passed in favour of regular employees, however, he cannot be denied salary for the period he worked. The petitioner has worked till July' 2024 whereas he has been paid till March' 2024. He is entitled to salary for the period from April' 2024 to July' 2024 (16.07.2024). He is also entitled to gratuity and leave encashment.

4. Learned counsel for the respondents submits that petitioner obtained interim order relying upon orders passed in aforesaid LPAs. As per order dated 06.12.2016 passed in LPA No.1505 of 2016, the appellants are liable to refund salary which they have received during extended period, if their appeals are finally dismissed. The matter is still pending before Division Bench and all the teachers are bound by their undertaking which they filed as per order dated 06.12.2016.

5. I have heard the arguments of learned counsel for both sides and perused the record with their able assistance.

6. The petitioner was a temporary teacher and was not entitled to interim order as granted to regular teachers. Order dated 09.07.2024 reveals that there was no concealment of facts on the part of petitioner. He had duly disclosed that he is a temporary teacher and appellants in aforesaid LPAs are regular teachers. The petitioner was not entitled to benefit of continuity of service beyond 60 years in view of orders passed by this Court in aforesaid LPAs. It is apt to notice that a bunch of LPAs is still pending before a Division Bench of this Court. The petitioner has actually worked till 16.07.2024. He is not entitled to benefit of interim orders passed in favour of regular employees. Similarly, he is not bound by condition of refund of salary paid during the extended period. He has not been paid salary for the period he worked beyond the age of 60 years.

7. In the backdrop, this Court is of the considered opinion that petitioner is not entitled to continuity of service as granted by Division Bench of this Court by aforesaid interim orders to regular teachers, however, he cannot be deprived from salary for the period he worked beyond 60 years. The Court is not oblivious of the fact that petitioner was permitted to work beyond 60 years for a few months. The petitioner in the writ petition has not raised question of gratuity and leave encashment. He has raised this issue during the course of hearing. In the absence of pleadings, this Court cannot direct respondent to release gratuity and leave encashment.

8. In view of above discussion and findings, the petition stands disposed of with a direction to respondents to release salary of the petitioner for the period he has actually worked beyond the age of 60 years.

9. The petitioner is at liberty to avail remedy in accordance with law with respect to his claim qua gratuity and leave encashment.