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

Date of Decision : 29-08-2025

208

1. CWP-15912-2024 (O&M)

CHANDIGARH ADMINISTRATION

.....Petitioner(s)

VERSUS

ANITA MAHAJAN AND OTHERS

.....Respondent(s)

2. CWP-13268-2023 (O&M)

CHANDIGARH ADMINISTRATION

.....Petitioner(s)

VERSUS

DR. ABHA SUDARSHAN AND ORS

.....Respondent(s)

**3. CM-11215-CWP-2023 and
CM-11217-CWP-2023 in/and
CWP-10678-2024 (O&M)**

CHANDIGARH ADMINISTRATION

.....Petitioner(s)

VERSUS

MRS ANITA BERRY

.....Respondent(s)

4. CWP-19869-2024 (O&M)

CHANDIGARH ADMINISTRATION

.....Petitioner(s)

VERSUS

JAGANNATH AND ORS.

.....Respondent(s)

5.

CWP-19871-2024 (O&M)

CHANDIGARH ADMINISTRATION

.....Petitioner(s)

VERSUS

MANI BEDI AND OTHERS

.....Respondent(s)

6.

CWP-19877-2024 (O&M)

CHANDIGARH ADMINISTRATION

.....Petitioner(s)

VERSUS

JATINDER SOHI AND ORS.

.....Respondent(s)

7.

CWP-19884-2024 (O&M)

CHANDIGARH ADMINISTRATION

.....Petitioner(s)

VERSUS

ANJU CHOPRA AND OTHERS

.....Respondent(s)

8.

CWP-19887-2024 (O&M)

CHANDIGARH ADMINISTRATION

.....Petitioner(s)

VERSUS

VANDANA AGGARWAL AND ORS.

.....Respondent(s)

9.

CWP-19892-2024 (O&M)

CHANDIGARH ADMINISTRATION

.....Petitioner(s)

VERSUS

DR. DAVINDERJIT KAUR AND OTHERS

.....Respondent(s)

10.

CWP-22082-2024 (O&M)

DR. HARVINDER SINGH AND OTHERSPetitioner(s)

VERSUS

UNION TERRITORY CHANDIGARH AND OTHERS

.....Respondent(s)

11.

CWP-6218-2024 (O&M)

CHANDIGARH ADMINISTRATIONPetitioner(s)

VERSUS

VIN DOSAJH AND OTHERS

.....Respondent(s)

12.

CWP-6221-2024 (O&M)

CHANDIGARH ADMINISTRATIONPetitioner(s)

VERSUS

PARMJIT SINGH AND OTHERS

.....Respondent(s)

13.

CWP-6222-2024 (O&M)

CHANDIGARH ADMINISTRATIONPetitioner(s)

VERSUS

PARDEEP KUMAR BHAGAT AND OTHERS

.....Respondent(s)

14.

CWP-6223-2024 (O&M)

CHANDIGARH ADMINISTRATIONPetitioner(s)

VERSUS

AMRIT RANI AND OTHERS

15. CWP-6229-2024 (O&M)

CHANDIGARH ADMINISTRATIONPetitioner(s)

VERSUS

MONICA SINGH AND OTHERSRespondent(s)

16. CWP-6243-2024 (O&M)

CHANDIGARH ADMINISTRATIONPetitioner(s)

VERSUS

PURNIMA BHANDARI AND OTHERS

.....Respondent(s)

17. CWP-7832-2024 (O&M)

CHANDIGARH ADMINISTRATIONPetitioner(s)

VERSUS

DR. SHASHI KANT RAI AND OTHERSRespondent(s)

18. CWP-9076-2024 (O&M)

CHANDIGARH ADMINISTRATIONPetitioner(s)

VERSUS

DR BARHM PRAKASH YADAV AND OTHERS

.....Respondent(s)

19. CWP-15920-2024 (O&M)

CHANDIGARH ADMINISTRATIONPetitioner(s)

VERSUS

DR RAJIV BHANDARI AND ORS.Respondent(s)

20. CWP-16364-2024 (O&M)

CHANDIGARH ADMINISTRATIONPetitioner(s)

VERSUS

BELA GUPTA AND OTHERSRespondent(s)

21. CWP-23675-2024 (O&M)

CHANDIGARH ADMINISTRATIONPetitioner(s)

VERSUS

DR SAPNA MALHOTRA AND ORS.Respondent(s)

22. CWP-24948-2024 (O&M)

CHANDIGARH ADMINISTRATIONPetitioner(s)

VERSUS

DR REWA SHARMA AND ORS.Respondent(s)

23. CWP-24969-2024 (O&M)

CHANDIGARH ADMINISTRATIONPetitioner(s)

VERSUS

RENU OBEROI AND OTHERSRespondent(s)

24. CWP-24973-2024 (O&M)

CHANDIGARH ADMINISTRATIONPetitioner(s)

VERSUS

MUKESH KUMARI AND OTHERSRespondent(s)

25. **CWP-25146-2024 (O&M)**

CHANDIGARH ADMINISTRATIONPetitioner(s)

VERSUS

DR. KANWALJIT KAUR DHILLON AND OTHERSRespondent(s)

26. **CWP-28051-2024 (O&M)**

CHANDIGARH ADMINISTRIATIONPetitioner(s)

VERSUS

SURINDER KUMAR AND ORSRespondent(s)

27. **CWP-28686-2024 (O&M)**

CHANDIGARH ADMINISTRATIONPetitioner(s)

VERSUS

DR. ANIL KUMAR MANKOTIA AND OTHERSRespondent(s)

28. **CWP-28687-2024(O&M)**

CHANDIGARH ADMINISTRATIONPetitioner(s)

VERSUS

NIRUPINDER KAUR AND OTHERSRespondent(s)

29.

CWP-32692-2024 (O&M)

CHANDIGARH ADMINISTRATION

.....Petitioner(s)

VERSUS

ANITA GUPTA AND ORS

.....Respondent(s)

30.

CWP-23994-2024 (O&M)

CHANDIGARH ADMINISTRATION

.....Petitioner(s)

VERSUS

MS. MONA SINGH AND OTHERS

.....Respondent(s)

31.

CWP-24001-2024 (O&M)

CHANDIGARH ADMINISTRATION

.....Petitioner(s)

VERSUS

PUNAM BANSAL AND OTHERS

.....Respondent(s)

32.

CWP-24006-2024 (O&M)

CHANDIGARH ADMINISTRATION

.....Petitioner(s)

VERSUS

RANJJAN VERMA AND ORS.

.....Respondent(s)

33.

CWP-17842-2024 (O&M)

DR. BARHM PARKASH YADAV

.....Petitioner(s)

VERSUS

UNION OF INDIA AND ORS**Respondent(s)**

34. **CWP-22652-2024 (O&M)**

DR. DEVINDERJIT KAUR**Petitioner(s)**

VERSUS

UNION OF INDIA AND OTHERS**Respondent(s)**

35. **CWP-28257-2024 (O&M)**

ANJU CHOPRA ALIAS ANJU TRIKHA AND ANOTHER
.....**Petitioner(s)**

VERSUS

UNION OF INDIA AND OTHERS**Respondent(s)**

36. **CWP-28369-2024 (O&M)**

PROF. DR. J.K SEHGAL
.....**Petitioner(s)**

VERSUS

UNION OF INDIA AND OTHERS**Respondent(s)**

37. **CWP-28591-2024 (O&M)**

DR. SHASHI KANT RAI
.....**Petitioner(s)**

VERSUS

UNION OF INDIA AND OTHERS**Respondent(s)**

38. CWP-28867-2024 (O&M)

MONA SINGH AND ORS.Petitioner(s)

VERSUS

UNION OF INDIA AND OTHERSRespondent(s)

39. CWP-29070-2024 (O&M)

MONICA SINGH AND ORS.Petitioner(s)

VERSUS

UNION OF INDIA AND OTHERSRespondent(s)

40. CWP-29295-2024 (O&M)

RANJJAN VERMAPetitioner

VERSUS

UNION OF INDIA AND OTHERSRespondent(s)

207 CWP-27266-2023 (O&M)

ANITA GUPTAPetitioner

VERSUS

UNION OF INDIA AND OTHERSRespondent(s)

114 CWP-19503-2025 (O&M)

RAMA ARORA AND ANOTHERPetitioner(s)

V/S

UNION OF INDIA AND OTHERSRespondent(s)

115

CWP-25100-2025 (O&M)

VIN DOSAJH

.....Petitioner

V/S

UNION OF INDIA AND OTHERS

.....Respondent(s)

116

CWP-25142-2025 (O&M)

AMRIT RANI

.....Petitioner

V/S

UNION OF INDIA AND OTHERS

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Chetan Mittal, Senior Advocate with
Mr. Mayank Aggarwal, Advocate and Ms. Shifali Goyal,
Advocate for the petitioner - U.T.

Mr. Amit Jhanji, Senior Standing Counsel with
Mr. Aman Bahri, Addl. Standing Counsel,
Ms. Shubhreet Kaur, Addl. Standing Counsel and
Ms. Sukhmani Patwalia, Addl. Standing Counsel
for respondents - U.T. (in CWP No.17842, 28257, 28369,
29070, 29295 and 22082 of 2024 and CWP-25100-2025).

Mr. Satya Pal Jain, Additional Solicitor General of India with
Mr. Vibhor Bansal, Senior Panel Counsel and Mr. Ishank
Bansal, Advocate for respondent - UOI (in CWP No.17842,
22652, 28257, 28369, 28591, 28867, 29070 and 29295 of 2024
and CWP-19503-2025).

Mr. Rajiv Atma Ram, Senior Advocate with
Mr. Brijesh Khosla, Advocate for the respondent
in CWP No.6221 and 6222 of 2024).

Mr. D.S.Patwalia, Senior Advocate with
Mr. Ayush Gupta, Advocate for the petitioners in CWP
No.29295, 29070, 17842, 28257, 28867, 28369 and 28591 of
2024 and for respondents (in CWP-13268-2023 and CWP-
17842-2024).

Mr. Pawan Kumar, Senior Advocate with
Mr. Raj Kumar Gupta, Advocate,
Mr. Bhuvnesh Sharma, Advocate and
Ms. Vidushi Kumar, Advocate
For the petitioner in CWP No.27266 of 2023.
for respondent No.1 (in CWP-32692-2024).

Mr. Rajesh Garg, Senior Advocate with Mr. Mandeep Singh,
Advocate Ms. Neha Matharoo, Advocate Mr. Ravinder Narwal,
Advocate and Mr. Rajinder Goyal, Advocate for the petitioner
(in CWP-22082-2024) for respondents No.2 and 3 (in CWP-
19884-2024) for respondents No.5, 6, 9 and 10 (in CWP-6229-
2024) for respondents (in CWP Nos.23675, 19887, 24001 and
15912 of 2024).

Ms. Sangita Dhanda, Advocate
for the petitioner (in CWP-25100-2025).

Mr. Balbir Singh Sewak, Advocate
for the petitioners in CWP-22652-2024 and CWP-19503-2025.

Mr. Lalit K. Gupta, Advocate
For the respondent-Union of India in CWP Nos.27266 of 2023,
CWP No.25100 of 2025 and CWP No. 25142 of 2025.

Ms. Madhu Dayal, Advocate and
Mr. Sarthak Gupta, Advocate
for respondents No.3 and 4 (in CWP-19503-2025).

Mr. Abhishek Masih, Advocate
for Mr. Aman Bahri, Advocate and Ms. Sukhmani Patwalia,
Advocate for respondents No.1 to 3 (in CWP-22082-2024).

Mr. Gagneshwar Walia, Advocate
for respondent No.1 (in CWP Nos.19871 and 25146 of 2024)
for respondents No.1 and 2 (in CWP-24948-2024) and for
respondent No.11 (in CWP-6229-2024).

Mr. Puneet Gupta, Advocate
Mr. Anil Rana, Advocate and Mr. Ravindra Singh, Advocate
for intervenor/applicants (in CWP-13268-2023).

Mr. Shivansh Sood, Advocate
for Mr. Aman Bahri, Advocate for respondent - U.T.
(in CWP Nos.17842, 22082, 28257, 28369, 28867, 29070,
29295 and 28591 of 2024).

Mr. Harsh Vasu Gupta, Advocate
for the respondent (in CWP-16364-2024).

Mr. Kamal Deep Sehra, Advocate
Mr. B.P.Yadav, Advocate for respondent No.1
(in CWP-6243-2024).

Mr. Gaurav Goyal, Advocate
for respondent No.1 (in CWP-24973-2024).

Mr. Aman Bahri, Advocate and
Mr. Abhishek Premi, Advocate
For the respondent-U.T., in CWP No.25142 of 2025.

Mr. J.R.Syal, Advocate and Mr. Sandeep Syal, Advocate
for the respondent in CWP-6223-2024 and
CWP No.25142 of 2025.

Mr. Inderpal Singh, Advocate
For Mr. Nitin Kaushal, Advocate
For respondent No.3-AICTE.

Mr. Abhijeet Chaudhary, Advocate
For respondent No.1 in CWP No.24969 of 2024.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present bunch of petitions, the challenge is to the order dated 21.03.2023 (Annexure P-1) passed by the Central Administrative Tribunal (CAT) by both the parties i.e. the Chandigarh Administration as well as the Teachers. The Chandigarh Administration has challenged the said order on the ground that the Teachers have been allowed to be in service till age of 65 years and the Teaching Faculty has challenged the same on the ground that benefit of arrears for the period they were relieved from service on attaining the age of 58 years, till rejoining in service has been denied to them as per the order dated 21.03.2023 passed by the Tribunal hence, as the bunch of petitions arise out of the same order of CAT(Central Administrative Tribunal) (hereinafter referred as “Tribunal”) and that too in

the context of common set of facts, thus they are being decided by a common order.

2. Firstly, taking into consideration the writ petitions, which have been filed by the Chandigarh Administration challenging the impugned order dated 21.03.2023 passed by the Tribunal, learned Senior Counsel appearing on behalf of the Chandigarh Administration submits that the benefit which has been given to the Teachers that they are entitled to continue in service up to the age of 65 years by placing reliance upon the judgment of this Court in CWP No.20447 of 2020 titled "***Dr. Jogender Pal Singh and ors. Vs. Union of India and ors.***" decided on 01.03.2021, is incorrect.

3. Learned Senior Counsel appearing on behalf of the Chandigarh Administration submits that keeping in view the settled principle of law which was in force at the time when ***Dr. Jogender Pal Singh's case (supra)*** was decided by the Division Bench of this Court, the benefit of continuing in service up to age of 65 years was granted to petitioners in the said judgment, hence, the Tribunal by placing reliance in ***Dr. Jogender Pal Singh's case (supra)***, could not have been followed the direction given in said judgment so as to grant the Teaching Faculty the benefit to allow them to continue into service upto the age of 65 years.

4. Learned Senior counsel for the petitioner further submits that while passing the judgment in ***Dr. Jogender Pal Singh's case (supra)***, the judgment of the Hon'ble Supreme Court of India in ***Jagdish Prasad Sharma etc. Vs. State of Bihar and ors. (2013) 8 SCC 633***, was not considered in the

correct perspective by the Division Bench of this Court hence, grant of relief to the other teachers on the basis of the said judgment of the Division Bench in ***Dr. Jogender Pal Singh's case (supra)***, so as to give relief of age of superannuation age as 65 years to the Teachers, is incorrect especially when judgement of the Division Bench of this Court in ***Dr. Jogender Pal Singh's case (supra)***, is not a correct law so as to grant the said benefit to Teachers by the Tribunal while passing the impugned order dated 21.03.2023.

5. Learned counsel appearing on behalf of the Teaching Faculty submits that there is no differentiating factor between the Teachers who have been granted the said relief of age of superannuation up to age of 65 years by the Tribunal while passing the impugned judgment dated 21.03.2023 and the petitioners in ***Dr. Jogender Pal Singh's case (supra)*** to whom the same benefit was granted by the Division Bench of this Court in ***Dr. Jogender Pal Singh's case (supra)***. Learned Senior counsel for the respondents further submits that petitioners in ***Dr. Jogender Pal Singh's case (supra)***, were the colleagues of the Teachers herein and it would be contrary to the principles of law to say that one similarly situated employee will be allowed to continue in service up to the age of 65 years whereas another colleague should retire from service at the age of 58 years despite there being no differentiating factor between the both, which if allowed to happen will create an anomaly and discrimination as two set of similarly situated employees will be treated in a different manner, which will be against the spirit of law hence, the Tribunal has rightly granted the benefit of same age of superannuation as 65 years of age to the Teachers in these proceedings by

placing reliance upon the judgment in ***Dr. Jogender Pal Singh's case (supra)***.

6. Learned Senior Counsels appearing on behalf of the respondents further submits that once, the issue qua grant of extending the benefit of age of superannuation as 65 years in terms of AICTE Regulations 2010/2019 as has been decided by the Division Bench of this Court in ***Dr. Jogender Pal Singh's case (supra)***, which decision had already attained finality as the appeal filed by the Chandigarh Administration against the judgment of the Division Bench of this Court in ***Dr. Jogender Pal Singh's case (supra)*** before the Hon'ble Supreme Court of India was withdrawn, and the petitioners in ***Dr. Jogender Pal Singh's case (supra)***, have been allowed the benefit to continue in service up to the age of 65 years, grant of the said same benefit to Teachers herein is only to remove the discrimination between two similarly situated employees, which fact has rightly been appreciated by the Tribunal in the facts and circumstances of this case.

7. Learned Senior Counsel appearing on behalf of the respondents further submits that the arguing of the same issue once again, which issue has already attained finality and has been implemented qua similarly situated Teachers, without there being any differentiating factor between both the case i.e. the one raised in the present case and the one raised in ***Dr. Jogender Pal Singh's case (supra)***, amounts to violation of principles of *res judicata*. The reliance is being placed upon the judgment of the Hon'ble Supreme Court of India in ***Civil Appeal No.2339 of 1968*** titled "***State of U.P. Vs. Nawab Hussain***", ***decided on 04.04.1977***, to underpin his argument that

once an issue had already been settled by the competent Court of law, same cannot be made subject matter of adjudication once again.

8. We have heard the learned counsel with regard to the writ petitions which have been filed by the Chandigarh Administration challenging the impugned order and have gone through the records of the present case with their able assistance.

9. Before deciding the issue on merits, certain relevant facts have emerged, which needs to be noticed, on the basis of which, the decision is to be taken.

10. The first such fact is that the similarly situated employees, who were the petitioner in ***Dr. Jogender Pal Singh's case (supra)***, have already been allowed to continue in service up to the age of 65 years and it is a conceded position that there is no differentiating factor qua the service conditions between the petitioners in ***Dr. Jogender Pal Singh's case (supra)*** as well as the Teachers herein, who have been granted the same benefit by the Tribunal vide impugned order dated 21.03.2023.

11. The second fact which needs to be noticed is that the Chandigarh Administration has already amended the 1992 Rules, which prescribed the age as 58 years for retirement vide Notification dated 29.03.2022, effective from 01.04.2022 and the same is now set at 65 years and the same is now set at 65 years.

12. According to the said amended Rules of 2022 qua the Teachers who are currently working in the same cadre, such teachers are to retire from their service upon attaining the age of 65 years and the Teachers who have been granted the relief i.e., who retired from their service prior to the

Notification dated 29.03.2022, effective from 01.04.2022, are very few in number.

13. Another relevant fact is that after passing of the impugned order dated 21.03.2023 and filing of the writ petition by the Chandigarh Administration, the Chandigarh Administration had made a statement before the Court that they are implementing the directions as given in the impugned the judgment dated 21.03.2023 in ***Dr. Jogender Pal Singh's case (supra)*** so as to allow the Teachers to continue in service up to the age of 65 years and the said undertaking has already been complied with and the Teachers, who have deposited their retiral benefits granted to them upon attaining age of 58 years, have been allowed to rejoin so as to allow them to continue in service up to the age of 65 years and are continuing in the service.

14. It is under these relevant facts, the grievance of the Chandigarh Administration that whether, the direction given by the Central Administrative Tribunal vide order dated 21.03.2023 so as to allow the Teachers to continue in service up to the age of 65 years, is valid or not.

15. It may be noticed that the said grant of benefit of age of superannuation up to 65 years has already been allowed by the Division Bench of this Court to the similarly situated employees/colleagues of the Teachers while deciding ***Dr. Jogender Pal Singh's case (supra)***, which categorically shows that the Tribunal has rightly abided by the said decision of Division Bench of this Court while passing the impugned order dated 21.03.2023 (Annexure P-1) especially, when no differentiating factor between the two sets of employee was either brought to the notice of the Tribunal or even before this Court.

16. It may be noticed that in case, the argument of the Chandigarh Administration is accepted that the decision and benefit of age relaxation granted in ***Dr. Jogender Pal Singh's case (supra)***, shoud not be made applicable upon the Teachers herein and the said benefit of age of superannuation upto 65 years is to be denied to the Teachers herein, the same will create an anomaly in treatment of two set of similarly situated employees especially when, one set of similarly situated employee is allowed to continue in service upto the age of 65 years by the Chandigarh Administration whereas, the ask of Chandigarh Administration in the present petition is that the other set of employees, which are the Teachers in the present set of writ petition, to be retired from service at the age of 58 years even though, both of these set of employee have been working in the same cadre governed by same set of Rules. No differentiating factor between the two set of employees has been brought to notice of this Court so as to make this Court inclined towards accepting the contention of petitioner that the benefit granted in the judgment ***Dr. Jogender Pal Singh's case (supra)*** is not to be given to the Teachers herein, rather the fact that petitioner in ***Dr. Jogender Pal Singh's case (supra)***, and Teachers in the present proceedings are similarly and there is no differentiating factor between the both.

17. Further, the judgment of the Hon'ble Supreme Court of India in ***Jagdish Prashad Sharma's case (supra)***, which is being brought into operation by the Administration so as to contend that the same was not considered in a correct perspective while granting the benefit of superannuation age of 65 years to the Teachers in ***Dr. Jogender Pal Singh's case (supra)*** by placing reliance upon the Act/Regulations framed by the

UGC, AICTE rather than the 1992 Rules, notified on 13.01.1992, qua the said aspect, it should be noticed that the said judgment in ***Jagdish Prashad Sharma's case (supra)***, has already been considered extensively and eventually decided by the Division Bench of this Court in ***Dr. Jogender Pal Singh's case (supra)***, which judgment has attained finality.

18. Once, a Co-ordinate Bench of this Court has already considered the said judgment of ***Jagdish Prashad Sharma's case (supra)*** passed by the Hon'ble Supreme Court of India and by taking into consideration the said judgment and the same argument raised by the Chandigarh Administration, this Court had given a finding while deciding ***Dr. Jogender Pal Singh's case (supra)*** by interpreting the said judgment of ***Jagdish Prashad Sharma's case (supra)***, granted the relief of continuing in service upto the age of 65 years against which finding though an appeal was preferred by the Chandigarh Administration before the Supreme Court of India, but the said appeal was eventually dismissed as withdrawn and similarly situated Teachers have been allowed to continue in service upto the age of 65 years hence, the same issue cannot be again made subject matter of adjudication at the hands of this Court for considering the same plea being raised by the Chandigarh Administration once again, especially when no valid argument has been brought before the Court to doubt the correctness of the judgment of the Division Bench of this Court in ***Dr. Jogender Pal Singh's case (supra)***.

19. As per the settled principle of law, once an issue has been raised before Court and same has been settled by the competent Court of law in case of one set of employees and the issue has attained finality, the benefit

found to be admissible to a beneficiary, which benefit has been given after settlement of such issue to the said set of employee, same issue cannot be brought into question once again so as to re-argue the same issue so as to convince the Court to arrive at a different conclusion other than the one arrived at by the Co-ordinate Bench of this Court in ***Dr. Jogender Pal Singh's case (supra)*** so as to deny the same benefit to similarly situated employees.

20. In the absence of any afresh fact, which arose after the judgment in ***Dr. Jogender Pal Singh's case (supra)***, brought to the notice of this Court so as to convince this Court that fresh adjudication is needed to be done by this Court on the same issue, no re-consideration can be allowed qua the judgment in ***Dr. Jogender Pal Singh's case (supra)*** especially when the similarly situated employees, in the same cadre, have already been allowed to continue in service upto the age of 65 years on the basis of the judgement of the competent Court of law. Learned Senior counsel for the petitioner has failed to convince the Court that judgment in ***Dr. Jogender Pal Singh's case (supra)***, needs re-consideration.

21. Further, it may be noticed that the Teachers herein in the present set of petition before this Court have become the part of the diminishing cadre for the reason that vide notification dated 29.03.2022, effective from 01.04.2022, the Chandigarh Administration has already amended Rule governing the service of employee working in the cadre in which the Teachers in the present proceeding were working vide notification dated 29.03.2022, so as to prescribe that the retirement age of such Teachers

working in the same cadre in which the Teachers were working to be 65 years of age.

22. Once, the Chandigarh Administration has already granted the said benefit of age of superannuation as 65 years to the Teachers, who were working in the same cadre as of 01.04.2022, non-grant of the said benefit of the Teachers, who are claiming the same benefit of retirement at the age of 65 years, will not be in the interest of justice and has rightly been granted by the Tribunal so as to remove discrimination.

23. Further, it may be noticed that even if the question of law was kept open by the Hon'ble Supreme Court of India while passing the order in the SLP filed by the Chandigarh Administration in the case of "**Chandigarh Administration and ors. Vs. Dr. Sumangal Roy and anr.**", wherein an SLP against order dated 08.04.2022 passed in CWP No.7582 of 2019 and 11.08.2023 in RACW No.133 of 2022 passed by this Court was filed before the Hon'ble Supreme Court of India, the judgment does not loses its significance and validity. The same remained as a valid law. The Tribunal is otherwise bound by the order passed by the Division Bench of this Court and could not have ignored the settled principle of law decided by the Division Bench of this Court in **Dr. Jogender Pal Singh's case (supra)** hence, the order passed by the Tribunal by placing reliance upon **Dr. Jogender Pal Singh's case (supra)**, is perfectly valid and legal.

24. Even otherwise, in the present case, we have already held that the petitioners have not been able to prove that the judgment in **Dr. Jogender Pal Singh's case (supra)**, is not a good law.

25. Once, the Chandigarh Administration has already implemented the impugned judgment dated 21.03.2023 and all the Teachers concerned have been allowed to rejoin in service after they were made to deposit back the retiral benefits granted to them to hold that they were not entitled to the said benefit, will be too harsh especially when the said set of Teachers are the diminishing cadre and there is nobody else who will come forward to claim the same relief as has been claimed by these set of teachers, as, for the extending employees, the age of retirement has already been set as 65 years while amending all the Rules vide notification dated 29.03.2022, hence, once a statement was given by the Chandigarh Administration before the Co-ordinate Bench to implement the impugned order, which undertaking has already been complied with and the Teachers have already rejoined after the deposit of the retiral benefits, accepting the plea of the Chandigarh Administration qua the same impugned judgment, cannot be allowed.

26. Keeping in view the totality of the circumstances explained hereinbefore, the impugned order passed by the Tribunal dated 21.03.2023 (Annexure P-1) granting the benefit of continuance in service up to the age of 65 years to the Teachers in the present proceeding needs no interference at the hands of this Court keeping in view the settled principle of law noticed hereinbefore in the facts and circumstances of the present case.

27. The second bunch of petitions are filed by the Teachers against order dated 21.03.2023 (Annexure P-1) on the ground that once, they have been held entitled to continue in service up to the age of 65 years, they are entitled to the benefit of arrears of salary in accordance to effective pay scale from the date they attained the age of 58 years i.e. when they were retired

from service till the date they were allowed to rejoin the service in pursuance to the order dated 21.03.2023 passed by the Tribunal, which benefit has been denied to them by the Tribunal while passing of said impugned order.

28. The argument which has been raised by the learned counsel appearing on behalf of the Teachers is that once, they have been allowed to rejoin in service by the Tribunal vide order dated 21.03.2023, after deciding that they are entitled to continue in service up to 65 years but as, the Administration did not allow such teachers to continue in service initially after attaining age of 58 years and they had to approach the appropriate Court to raise a claim qua their right of working in service till the age of 65 years, the consequential and entitled relief which had to be granted while extending the benefit of continuity in service upto 65 years, the employees are deemed to have continued in service without any interruption hence, they are also entitled for the salary admissible to them for the intervening period from i.e. date they attained the age of 58 years till the date they were allowed to rejoin in service in pursuance of the order passed by the Tribunal dated 21.03.2023 (Annexure P-1).

29. Learned counsel for the Teachers further argues that it was incumbent upon the Chandigarh Administration to implement the directions and benefit given in judgement in ***Dr. Jogender Pal Singh's case (supra)*** upon Teachers herein, rather than forcing the Teachers to raise a claim for the same benefit of continuity in service upto the age of 65 years, which benefit had already been granted to similarly situated employees in ***Dr. Jogender Pal Singh's case (supra)***, and had attained finality hence, non-grant of the same benefit to the petitioner by the Chandigarh Administration,

has caused prejudice to the Teachers and though, the said prejudice of not allowing the petitioner to continue in service upto the age of 65 years has been removed by the Tribunal by directing the Chandigarh Administration to allow the Teachers to rejoin in service by placing reliance upon **Dr. Jogender Pal Singh's case (supra)** but the consequential benefits upon joining in service, i.e. benefit of the arrears for the intervening period has not been granted to them, which caused prejudice to them.

30. The last argument which has been raised by the learned counsel appearing on behalf of the Teachers that in any case once, an order has been passed by the Tribunal on 21.03.2023 directing the Teachers to rejoin their respective Institute, the benefit of arrears of salary should be granted to them from the date the original application was filed before the Tribunal or the judgment passed by the Tribunal dated 21.03.2023 rather than from the date of their actual re-joining of service.

31. Learned counsel for the Teachers further argues that once, the benefit of arrear of salary has been granted to the petitioners in **Dr. Jogender Pal Singh's case (supra)**, who were also not allowed to continue in service on the ground that they had attained the age of 58 years but were ultimately granted the benefit of continuity in service upto 65 years of age hence, were allowed to join in service along with all consequential benefits, the same benefit which has been granted to the Teachers in **Dr. Jogender Pal Singh's case (supra)**, the same should be granted to Teachers herein, as having different yardsticks of measure for similarly situated employees will amount to discrimination and that too without any intelligible differentia, which would be incorrect.

32. Learned Senior counsel appearing on behalf of the Chandigarh Administration submits that in the present case, the original applications for raising the claim qua continuance in service till the age of 65 years, were filed by the Teachers after attaining the age of 58 years, which is the age of superannuation as per the 1992 Rules and after retirement from their service, and in the cases where the Teachers were in service and before attaining age of superannuation i.e. 58 as per 1992 Policy, raised the claim qua said benefit of allowing them to continue in service till they attained the age of 65 years, most of them were allowed to continue in service by the Tribunal by way of passing of an interim order.

33. Learned Senior counsel appearing on behalf of Chandigarh Administration further submits that once, the Teachers have already retired from service upon attaining the age of 58 years and have been granted the retiral benefits admissible to them and have enjoyed the retiral benefits, claiming the salary for the said period, has rightly been denied to them by the Tribunal.

34. Learned Senior counsel appearing on behalf of the Chandigarh Administration further submits that the benefit of rejoining in service has already been granted in favour of the Teachers after they complied with the directions given in the interim order dated 21.03.2023 by re-depositing the retiral benefits granted to them, within a period of one month of the deposit of the retiral benefits by the Teachers hence, there has been no delay on the part of the Chandigarh Administration in implementing the directions given in aforementioned impugned judgement dated 21.03.2023 as the Teachers are to be given the benefit of rejoining in service till age of 65 years upon re-

depositing of the retiral benefits hence, claiming the benefit of arrears of their salary for period in question i.e. from the date impugned judgment was pronounced by Tribunal, is incorrect hence, the said benefit of arrears claimed by the Teachers may kindly be declined.

35. We have heard the learned counsel for the parties on the issue and have gone through the records of the present case with their able assistance qua the issue as well.

36. In the preceding paragraphs, while dealing with the writ petitions filed by the Chandigarh Administration, we have noticed certain facts which are being stated again at the cost of repetition.

37. It may be noticed that after the judgment was given by the Division Bench of this Court in ***Dr. Jogender Pal Singh's case (supra)***, against which judgment, an SLP was filed by the Chandigarh Administration but the same was withdrawn by pleading that the same will not affect the rights of the Chandigarh Administration.

38. It may be noticed that the judgment in ***Dr. Jogender Pal Singh's case (supra)***, was relied upon in subsequent case of "***Chandigarh Administration and ors. Vs. Dr. Sumangal Roy and anr.***", wherein an SLP against order dated 08.04.2022 passed in CWP No.7582 of 2019 and 11.08.2023 in RACW No.133 of 2022 passed by this Court was filed before the Hon'ble Supreme Court of India, in which case, while disposing of the Special Leave Petition, the Hon'ble Supreme Court of India passed the following order, which is as under:-

"1. Delay condoned.

2. *In the facts and circumstances of the present case, we are not inclined to entertain the present petitions. The Special leave Petitions are dismissed accordingly.*
3. *However, the question of law is left open.*
4. *Pending application(s), if any, shall stand disposed of.”*

39. A bare perusal of the above order shows that the question of law qua the aspect that whether, the Teachers have a right for continuance in service upto the age of 65 years or not was kept open by the Hon'ble Supreme Court of India as to.

40. Keeping in view the said fact, the claim of the petitioners that directions given in the judgment in ***Dr. Jogender Pal Singh's case (supra)*** qua the Teachers for purpose of continuity in service should have been immediately implemented upon the Teachers by the Chandigarh Administration without even asking them to relinquish their charge on attaining the age of 58 years, cannot be accepted. The said issue needs to be decided again, even if the same was to be denied as per law in ***Dr. Jogender Pal Singh's case (supra)***.

41. Further, in case the Teachers were of the view that they are entitled to continue in service upto the age of 65 years, there was no hindrance before such teachers to approach the Court as a beforehand cautionary measure to claim the said benefit while they were continuing in service whereas, the case is that almost all the teachers had already retired from service on attaining the age of 58 years consequently, got the retiral benefits admissible to them and were enjoying their pensionary benefits and

it was subsequently after a period of gap that they approached the Tribunal to raise a claim qua continuance in service till attaining the age of 65 years.

42. Once, the Teachers were enjoying their pensionary benefits after retiring from service upon attaining the age of superannuation, it cannot be said that *ipso facto* they are also entitled to be paid the salary for the same period by treating those Teachers that they remained out of service after attaining the age of 58 years, till they were allowed to rejoin in pursuance to the impugned judgment of the Tribunal dated 23.03.2023 (Annexure P-1) especially when such Teachers were enjoying the retiral benefit extended to them also with monthly pension.

43. Further, as has been mentioned earlier, the question of law with regard to the fact as to whether the benefits of working in service upto the age of 65 years is admissible to such employees or not, was kept oepn by the judgment of the Hon'ble Supreme Court of India on the SLP filed by the Chandigarh Administration in the case of ***Dr. Sumangal Roy's case (supra)***, which claim was allowed by the Division Bench of this Court in favour of the ***Dr. Sumangal Roy*** by placing reliance upon the judgment in ***Dr. Jogender Pal Singh's case (supra)***.

44. Once, the said question of law was kept open by the Hon'ble Supreme Court of India, it was incumbent upon the competent Court of law to decide upon the said issue that whether there is an absolute right of the Teachers are entitled to continue in service upto the age of 65 years or not.

45. The said issue was then eventually decided by the Tribunal while passing the impugned order dated 21.03.2023 (Annexure P-1) so as to grant the benefit of continuity in service upto the age of 65 years.

46. That being so, it cannot be said that without adjudication of the said issue/claim of Teachers afresh by the Competent Court of law after the decision of the Hon'ble Supreme Court of India in SLP(C) 36762 of 2023 filed by the Chandigarh Administration while disposing the said appeal in case of **of Dr. Sumangal Roy's case (supra)**, wherein the question of law is kept open upon the said aspect, the benefit of age of superannuation upto 65 years should have been granted by the Chandigarh Administration on his own accord by following the judgment in **Dr. Jogender Pal Singh's case (supra)**, cannot be accepted as the same question of law had been kept open.

47. Therefore, even if a Teacher, who was in service till age of 58 years and had approached the Court to raise a claim for allowance such employee to continue in service upto the age of 65 years; till the competent Court of law decides upon the said issue qua each employee who raised the claim, no right to continue in service till 65 years of age exists hence, the right to continue in service upto the age of 65 years qua the Teachers herein only came into existence after the decision by the Tribunal in the OA No.060/387/CH of 2022 decided on 21.03.2023 (Annexure P-1).

48. Further, it may be noticed that it is not a case that the services of the Teachers were terminated wrongly and they had no means and were without any financial assistance so as to claim the benefits of arrears of salary on account of not allowing them to continue in service.

49. In the present case, the Teachers are those employees who had exhausted their particular innings of working in service upto the age of 58 years and were granted the pensionary benefits admissible to them upon retirement i.e., when attained the age of 58 years including the monthly

pension, which benefit was being enjoyed by such Teachers after they were not allowed to continue in service any more on attaining the age of superannuation of 58 years.

50. That being so, question arises as to whether the benefit of arrears of salary needs to be extended to such Teachers for the period when they attained the age of 58 years till rejoining in service in pursuance to the order dated 21.03.2023 needs to be decided on the basis of the settled principle of law.

51. A similar question of law came up for consideration before the Hon'ble Supreme Court of India in ***Civil Appeal No.4790 of 2006 titled "U.P. Jal Nigam and anr. Vs. Jaswant Singh and anr."***, decided on ***10.11.2006*** wherein also, the employees who had been erroneously retired from service upon attaining the age of 58 years, were granted the benefit of to continue in service upto the age of 60 years, claim of salary for the period such employees were not performing the duties arose.

52. While deciding the said issue, the Hon'ble Supreme Court of India held that in the case where the employees were allowed to retire from service upon attaining the age of 58 years, as superannuation, and thereafter, a claim raised to allow such employees to continue in service upto the age of 60 years was allowed, in such cases no benefit of arrears for the intervening period where such employees were out of service are to be allowed in favour of such employees. The relevant paragraph Nos.9 and 10 of the said judgment is as under:-

"9. In Harwindra Kumar's case (supra) the Division Bench decision on which the appellant places reliance was

challenged. Orders passed by the High Court dismissing the writ petitions as well as those by the Nigam directing that the appellants of the Civil Appeals and the petitioners of the writ petitions would superannuate upon completion of the age of 58 years were set aside and it was directed that in case the employees have been allowed to continue up to the age of 60 years by virtue of some interim order, no recovery shall be made from them but in case, however, they have not been allowed to continue after completing the age of 58 years by virtue of erroneous decision taken by the Nigam for no fault of theirs. They would be entitled to payment of salary for the remaining period up to the age of 60 years which was to be paid to them within a period of three months from the date of receipt of copy of this Court's order by the Nigam.

10. It appears that the High Court placed reliance on the decision in Harwindra Kumar's case (supra). Additionally, in Chairman, U.P. Jal Nigam & Anr. v. Jaswant Singh & Anr., 2007(1) SCT 224: (JT 2006(10) SC 500) the decision was reiterated in the following terms:

"The benefits shall only be confined to above mentioned persons who have filed writ petitions before their retirement or they have obtained interim order before their retirement. The appeals filed against these persons by the Nigam shall fail and the same are dismissed. Rest of the appeals are allowed and orders passed by the High Court are set aside. There would be no order as to costs."

11. In view of what has been stated above the inevitable conclusion is that the appeal is sans merit, deserves dismissal, which we direct."

53. A somewhat similar natured question of law came up for consideration in Civil Appeal No.13187 of 2024 titled "**Govt. of West**

Bengal and ors. Vs. Dr. Amal Satpathi and ors.,” decided on 27.11.2024 wherein also, the employees had retired from service but they were granted the benefit of retrospective promotion from a particular date when they were in service. The question upon grant of such benefit arose that whether, the benefit of the arrears are to be given to such employees upon retrospective promotion, Hon’ble the Supreme Court of India held that where an employee has already been retired from service and had eventually attained retired benefits after attaining retirement, no benefit of arrears can be granted even upon retrospective promotion. The relevant paragraph of the said judgment is as under:-

“There are no materials to establish that the petitioner authority has wantonly delayed the respondent's promotion and there is no taint of malice for the delay. The claim of the respondent seeking promotion cannot be considered on the ground of delay due to administrative reasons at the hands of the Petitioner Department, as contended by the learned counsel for the Respondent and the same is liable to be rejected. No materials have been placed before this Court to prove the mala fide or illegality on the part of the authority for the delay in finalising the promotion panel.

After a post falls vacant for any reason whatsoever, a promotion to the post should be from the date the promotion is granted and not from the date on which such post falls vacant. The recommendation for promotion of the respondent was forwarded to the Department by PSC on December 29, 2016 and the final approval of the authority concerned could not be obtained for issuance of order of promotion of the respondent before his superannuation on December 31, 2016. Service Jurisprudence does not recognize retrospective promotion i.e., a promotion from a back date and if

there exists a rule authorising the department to accord promotion from a retrospective date, a decision to grant promotion from a retrospective date would be valid because of a power existing to do so.”

54. Hence, as per the law settled principle of law, which fits in to the facts and circumstances of the case, no arrears of salary can be granted as being claimed by the Teachers.

55. Learned counsel for the Teachers have also placed reliance upon the judgment of the Hon’ble Supreme Court of India in ***Civil Appeal No.2974 of 2022 titled “Dr. Jacob Thudipara Vs. The State of Madhya Pradesh and ors.”, decided on 21.04.2022***, wherein the employee was found to be entitled to continue in service upto the age of 65 years, and as such he was allowed the benefit of arrears for the period of 62 to 65 years when he was not in service, in which period he was not allowed to work, have to be granted.

56. It may be noticed that the differentiating factor between the said case and the present case is that though, on an earlier occasion in ***Dr. Jogender Pal Singh’s case (supra)***, the relief of continuing in service upto 65 years age was granted to the Teaching Faculty but the Hon’ble Supreme Court in an SLP filed by the Chandigarh Administration had kept open the said question of law to be adjudicated by a competent court of law that whether the teachers who earlier fall under 1992 Rules and were later on subjected to rules and regulations of the UGC and AICTE are to be granted the benefit of continuing in service upto 65 years of age. The said question

of law that whether the entitlement to continue in service upto the age of 65 years exists qua the petitioners Teachers or not was kept open and that whether, they have right to claim said benefit has now become a fresh matter of adjudication, which only came to be decided by the Tribunal on 21.03.2023. Hence, the facts in the present case and in **Dr. Jacob Thudipara's case (supra)**, are different so as to make the said judgment made applicable upon the Teachers so as to grant the benefit of arrears of salary to the Teachers from the date they attained the age of 58 years till they re-joined in pursuance to the order of the Tribunal dated 21.03.2023.

57. Further, reliance is being placed by the Teachers in the judgment of the Hon'ble Supreme Court of India in Civil Appeal No.9849 of 2014 titled "**State of Uttar Pradesh and ors. Vs. Arvind Kumar Srivastava and ors.**", decided on 17.10.2014. Revelant paragraph No.23 of the said judgment is as under:-

"23. The legal principles which emerge from the reading of the aforesaid judgments, cited both by the appellants as well as the respondents, can be summed up as under:-

(1)Normal rule is that when a particular set of employees is given relief by the Court, all other identically situated persons need to be treated alike by extending that benefit. Not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India. This principle needs to be applied in service matters more emphatically as the service jurisprudence evolved by this Court from time to time postulates that all similarly situated persons should be treated similarly. Therefore, the normal rule would

be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently.

(2) However, this principle is subject to well recognised exceptions in the form of laches and delays as well as acquiescence. Those persons who did not challenge the wrongful action in their cases and acquiesced into the same and woke up after long delay only because of the reason that their counterparts who had approached the Court earlier in time succeeded in their efforts, then such employees cannot claim that the benefit of the judgment rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and laches and delays, and/or the acquiescence, would be a valid ground to dismiss their claim.

*(3) However, this exception may not apply in those cases where the judgment pronounced by the Court was judgment in rem with intention to give benefit to all similarly situated persons, whether they approached the Court or not. With such a pronouncement the obligation is cast upon the authorities to itself extend the benefit thereof to all similarly situated person. Such a situation can occur when the subject matter of the decision touches upon the policy matters, like scheme of regularisation and the like (see K.C. Sharma & Ors. v. Union of India (*supra*). On the other hand, if the judgment of the Court was in personam holding that benefit of the said judgment shall accrue to the parties before the Court and such an intention is stated expressly in the judgment or it can be impliedly found out from the tenor and language of the judgment, those who want to get the benefit of the said judgment extended to them shall have to satisfy that their petition does not suffer from either laches and delays or acquiescence.”*

58. A bare perusal of the above would show that the facts of the said case are entirely different from the facts of the present case and law

stipulated can only be applied keeping in view the facts of each and every case rather than picking up a single line from judgment so as to be applied in the present case.

59. In the case of *Arvind Kumar Srivastava's case (supra)*, the facts of the present case are not covered by the directions given in Paragraph No.23 by the Hon'ble Supreme Court of India, as issue that the Teachers are entitled to continue in service upto the age of 65 years is needed to be decided afresh as question of law settled in *Dr. Jogender Pal Singh's case (supra)*, was kept open by the Hon'ble Supreme Court of India, which issue was only decided by the Tribunal on 21.03.2023.

60. Further, in the present case, almost all the Teachers had already retired from service by the time they approached the Tribunal seeking continuance in service upto the age of 65 years and received the pensionary benefits admissible to them and it is after a period of gap that they approached the Court for raising the claim that they are entitled for continuance in service upto the age of 65 years, which is a distinguishing factor, on the basis of which actual benefit of salary for the period they attained the age of 58 years and they joined back in accordance to the impugned order dated 21.03.2023, has rightly been denied.

61. It is in these peculiar facts that the benefit of arrears of salary has been denied to Teachers by the Tribunal especially when the question of law whether the Teachers are entitled to continue in service upto the age of 65 years or not, was decided by the Tribunal again on 21.03.2023 keeping in

view the fact that the said question of law had been kept open by the Hon'ble Supreme Court of India.

62. Argument has been raised by the learned counsel for the Teachers is that Teachers are entitled for the benefit of arrears of salary at least from the date of judgment passed by Tribunal at least rather than being implemented from the date, the Teachers have been allowed to rejoin in service.

63. It may be noticed that all the Teachers had already retired from service and had been granted the pensionary benefits admissible to them for the period of service they worked with respondent with authority/Administration. Till the pensionary benefits granted to them are deposited back, the Teachers could not have been allowed to join in service hence, in order to claim the benefit of rejoining in service under the orders passed by the Tribunal dated 21.03.2023 the duty had been cast upon the teachers to refund the pensionary benefits first, and it is then only that they can rejoin in service.

64. Nothing has come on record to show that the Chandigarh Administration took more than one month after the deposit back of the pensionary benefits by the Teachers so as to allow them to join in service.

65. Once, the pensionary benefits granted to Teachers upon retiring were to be deposited by them in order to get the benefit of rejoining in service, it cannot be said that they will be entitled for the arrears of salary from the date of passing of the judgment without complying with or

returning back the pensionary benefits, which they had received upon retirement and were enjoying during the intervening period.

66. Keeping in view the totality of the circumstances, the Teachers were not entitled for the benefit of actual arrears of their salary from the date they attained the age of superannuation upon attaining the age of 58 years till the date they rejoined.

67. However, the question still survives as to what benefit the Teachers will be entitled to after Tribunal allowed them to continue in service till the age of 65 years upon their re-joining.

68. Once, by force of the judgment passed by Tribunal dated 21.03.2023, the Teachers became entitled to continue in service upto age of 65 years according to service law jurisprudence, they have to be treated in continuous service from the date they attained the age of 58 years till re-joining by a deeming fiction so as to fix their salary upto the date of their rejoining by giving them the notional benefits, from the date they attained the age of 58 years till re-joining qua such Teachers who were not in service for the abovementioned period. Such Teachers will be entitled for all the increments in their salary which they would have been entitled to otherwise notionally from the date they attained the age of 58 years till their re-joining by deeming fiction that they were in continuance of service from the date of retirement on attaining the age of 58 years till the date of rejoining in service so as to continue in service upto the age of 65 years and their pay will be

fixed notionally upon rejoining in service but without actual arrears for the intervening period.

69. With regard to the Teachers, who were on the basis of the interim order passed by the Tribunal allowed to continue in service even after attaining the age of 58 years and those teachers continued in service upto the date of the order of the Tribunal dated 21.03.2023 and now they are entitled to continue in service upto the age of 65 years and are continuing in service without actual break in service and this Court has been informed that they have not been granted the increments in their salary due to them after they had attained the age of superannuation i.e 58 years on the ground that they were continuing in service under the interim orders of the Cour, such teachers, who have already discharged the duties assigned to them qua their post continuously even after attaining the age of 58 years, such Teachers will be granted all the increments admissible to them for the period they have discharged the duties even after attaining the age of 58 years and they will be entitled to actual arrears of salary after grant of such increments as they have actually performed the duties assigned to them even after attaining the age of 58 years qua the post. As per the Rules governing over service, any employee serving and performing the duties assigned to him/her will be entitled for the benefit of increment in salary hence, such Teachers, who continued in service after attaining age of 58 years on the basis of the said interim order of the Tribunal, will be treated in service for all intents and purposes including for the grant of increments in salary and in case, the increments has not been granted to such Teachers, the same be granted to

them so as to fix their actual entitled salary for their work after attaining the age of 58 years along with actual arrears admissible to them.

70. Keeping in view the above, all the writ petitions challenging the impugned order dated 21.03.2023 (Annexure P-1) passed by the Tribunal are disposed of in the above terms.

71. At this stage, Mr. D.S.Patwalia, Senior Advocate with Mr. Ayush Gupta, Advocate for the petitioners in CWPs No.29295, 29070, 17842, 28257, 28867, 28369 and 28591 of 2024 and for respondents (in CWP-13268-2023 and CWP-17842-2024 submits that the Teachers are also claiming for continuance in service beyond the age of 65 years, which discretion to allow the Teachers beyond 65 years of age in service vests with the Chandigarh Administration and they have already raised a claim for the same by filing an appropriate representation before authorities concerned and the Chandigarh Administration be directed to decide the same so that, in case the Chandigarh Administration decides to grant the said benefit of further extension in service, no legal hurdles are created for either of the parties.

72. Learned counsel for the Chandigarh Administration submits that in case, any such representation is received at the hands of the Teachers CWPs No.29295, 29070, 17842, 28257, 28867, 28369 and 28591 of 2024, the same will be decided upon in accordance with the law by passing an appropriate speaking order within a period of **8 weeks** from the receipt of copy of this order and in case, such representation has already not been decided and in case, it is found that the petitioners in CWPs No.29295,

29070, 17842, 28257, 28867, 28369 and 28591 of 2024 are entitled for the benefit further extension in service, beyond the age of 65 years, the same will be released otherwise due reasons will be mentioned for not accepting the claim of the Teachers in CWP No.29295, 29070, 17842, 28257, 28867, 28369 and 28591 of 2024 in the speaking order to be passed and the said order will be duly conveyed to them.

73. Learned counsel for the petitioners in CWP No.29295, 29070, 17842, 28257, 28867, 28369 and 28591 of 2024 submits that keeping in view the statement of learned counsel for the respondents, Teachers are satisfied.

74. Pending application, if any, also stands disposed of.

75. Photocopy of this order be placed on the files of other connected files.

**(HARSIMRAN SINGH SETHI)
JUDGE**

29-08-2025
Sapna Goyal

**(VIKAS SURI)
JUDGE**

NOTE: Whether speaking: YES
Whether reportable: YES