
(1990) 09 P&H CK 0010
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 1267 of 1990

Mohan Lal Maitray

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 12-09-1990

Acts Referred:

Citation : (1991) 2 ILR (P&H) 343

Hon'ble Judges : G.S. Chahal, J;G.C. Mital, J

Bench : Division Bench

Advocate : Ajay Tewari, for the Appellant; S.K. Sayal, D.A.G., for the Respondent

Final Decision : Dismissed

Judgement

G.C. Mital, J.—In these bunch of writ petitions, the Government lecturers and the Principals employed in the Government colleges seek to resolve the discrimination in the retirement age between them and those employed in the private colleges.

2. The Government lecturers, the Principals of the government colleges and such persons appointed on the executive posts in the Directorate of Instructions etc. which are included in the cadre of the government lecturers, are governed by the Punjab Educational Service (College Cadre) (Class-11) Rules, 1976 (for short the Rules). According to the service Rules applicable to such people, the age of retirement is 58 years and on retirement they get benefit like pension, gratuity and leave encashment.

3. The grouse of the Petitioner is that in the private managed colleges, the retirement age is 60 years and to avoid discrimination they should be made to retire at the age of 60 years. The private colleges teachers are governed by the Punjab Colleges (Security of Service) Act, 1974, and under their conditions of service, while they retire at the age of 60 years, they are not entitled to pension, gratuity and leave encashment.

4. The method of recruitment into the two services is governed by the respective service Rules. The two services cannot be equated. Since they are governed by two different Rules, the Petitioners cannot be allowed the retirement age of 60 years by avoiding the discrimination and if this was to be done, while enhancing the superannuation age to 60 years, we will have to avoid the discrimination for the teachers in the private colleges by allowing them pension, gratuity and leave encashment benefits. Such like matters are matter of Service Conditions and Rules, under which employment is taken and one cannot be said to be discriminatory to the other. This would mean that the Court would be re-writing the Service Rules, which is not permissible.

5. For the reasons recorded above, we find no merit in Civil Writ Petition Nos. 1267, 1254, 3837, 3445, 3773, 4033, 4364, 4884 and 5639 of 1990 and dismiss the same with no order as to costs.