

जुनी पेन्शन योजना, नवीन पेन्शन योजना, आता सुधारित नवीन पेन्शन योजना

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माजी विधान परिषद सदस्य व महाराष्ट्र प्राध्यापक महासंघाचे माजी अध्यक्ष

१७९. “जुन्या पेन्शन योजनेचा प्रश्न हा सरळ सरळ शासन स्वामित्वाधिकारित धनाच्या वहन वळणाचा प्रश्न आहे” या विषयावर ५० परिच्छेदांचा लेखांक क्रमांक १ नुटा बुलेटीनच्या दिनांक १ फेब्रुवारी २०२३ रोजीच्या अंकामध्ये (सन २०२३ चा दुसरा अंक) प्रकाशित करण्यात (पृष्ठ ९ ते २०) आला आहे. यामध्ये भारतीय संविधानातील मार्गदर्शक तत्वांच्या प्रकरणांमध्ये याबाबतीत करण्यात आलेले मार्गदर्शन नमूद करून हा संघर्ष अति श्रीमंत असे १ टक्के लोक विरुद्ध उर्वरित ९९ टक्के लोक यांच्यामध्ये आहे असे प्रतिपादन केलेले आहे. शासन स्वामित्वाधिकारित धनाचा हा प्रवाह निश्चित कोणत्या दिशेने वाहतो आहे याचे तपशील त्या लेखात नमूद केलेले आहेत. जुन्या पेन्शन योजनेचे स्वरूप काय आहे हे नमूद करून नव्या पेन्शन योजनेमुळे राजस्थानमध्ये काय परिस्थिती निर्माण झाली होती याबाबतचे तपशील नमूद करून राजस्थान सरकारने घेतलेल्या निर्णयापूर्वीची आणि निर्णयानंतरची परिस्थिती यांचे तपशीलसुद्धा त्या लेखात नमूद करण्यात आलेले होते. याबाबतीत केंद्रशासनाने केलेला कायदा (The Pension Fund Regulatory and Development Authority Act) व त्याचे होणारे दुष्परिणाम याची तपशीलवार माहिती त्याच लेखात नमूद केलेली आहे. जुन्या पेन्शन योजनेचा प्रवास कसा झालेला आहे? व दुसरे म्हणजे नवीन पेन्शन योजना कोणताही विचार न करता एकाएकी कशी लादण्यात आली? या दोन मुद्द्यांबाबताचे तपशील त्या लेखात नमूद आहेत.

१८०. ‘भांडवली बाजारातील खेळाडू’ एका बाजूला व दुसऱ्या बाजूला ‘आपले स्वतःचे कर्मचारी व शिक्षक’ या मथळ्याचा आणखी एक तपशीलवार लेख (परिच्छेद ५१ ते १७८ समाविष्ट असलेला) सन २०२४ च्या पाचव्या बुलेटीनमध्ये प्रकाशित करण्यात आला होता. त्या लेखामध्ये प्रामुख्याने नवीन पेन्शन योजनेचे समर्थन करण्यासाठी त्या योजनेच्या समर्थकांकडून जे मुद्दे मांडल्या जातात त्याची तपशीलवार उत्तरे देण्यात आलेली होती. मुख्यत्वे फार मोठा निधी भांडवली बाजारातील खेळाडूच्या घशात घालण्यासाठी ज्या विविध योजना आखल्या गेल्या किंवा जात आहेत त्यापैकी नवीन पेन्शन योजना ही एक योजना आहे असे या लेखामध्ये प्रतिपादन करण्यात आलेले होते. जागतिक पेन्शन योजनेमध्ये भारताचे स्थान कोठे आहे? याविषयीची सुद्धा तपशीलवार माहिती या लेखामध्ये नमूद करण्यात आली होती.

१८१. जुनी पेन्शन योजना मोडित काढून नवीन पेन्शन योजना कोणताही विचार न करता आणण्यात आली. त्यामुळे कर्मचारी व शिक्षकांमध्ये तीव्र असंतोष व उद्रेक निर्माण झाला आणि त्यावर उपाय करण्याशिवाय कोणतेही गत्यंतर नाही अशी भावना राज्यकर्त्यांच्या मनामध्ये निर्माण झाली व त्यातूनच सुधारित पेन्शन योजनेची कल्पना समोर आली. काही राज्यांनी सरळ सरळ जुनी पेन्शन योजना लागू केली. काही राज्यांनी व केंद्रशासनाने नवीन पेन्शन योजनेचा हट्ट अजूनही सोडलेला नाही, मात्र ती योजना जीवंत राहण्याच्या लायकीची नाही ही गोष्ट कळल्यामुळे केंद्राने त्यांच्या स्तरावर एक कमिटी नेमून पुनर्विचार सुरू केला.

१८२. केंद्रशासनाने दिनांक ६ एप्रिल २०२३ रोजी एक कार्यालयीन ज्ञापन (Office Memorandum) अधिसूचित केले. या ज्ञापनाचा विषय “Setting up of a Committee to review the Pension System for

Government Employees” असा असून त्यानुसार वित्त सचिवांच्या अध्यक्षतेखाली एक समिती नेमण्यात आली. या अधिसूचनेचा सरळ सरळ अर्थ असा आहे की, मुळात ही नवीन पेन्शन योजना विचारपूर्वक तयार करण्यात आलेली नव्हती. भांडवली बाजारातील खेळाडूचे घर भरण्याचा कार्यक्रम हा पक्का कार्यक्रम हाती घेण्यात आला होता. कर्मचाऱ्यांच्या निवृत्तीनंतरच्या आयुष्याचा कोणताही विचार करण्यात आलेला नव्हता हेच त्यातून स्पष्ट होते. त्याबाबतचा विचार जर पूर्वीच केला असता तर २० वर्षांनंतर अशी समिती नेमण्याची वेळ येण्याचे कोणतेही कारण नव्हते.

१८३. जी स्थिती केंद्रशासनाची तीच स्थिती याबाबतीत राज्यशासनाची आपल्याला दिसून येते. घटनेने आपल्या कर्मचाऱ्यांविषयी दिलेला अधिकार आपला आपण न वापरता राज्यशासनाने यापूर्वी केंद्रशासनाच्या निर्णयाची छाया प्रत (झेरोक्स कॉपी) काढल्यामुळे आता याबाबतीत सुद्धा त्यांना तसेच करणे भाग पडले. “राष्ट्रीय निवृत्तिवेतन प्रणाली व जुनी निवृत्तिवेतन योजना यांचा तुलनात्मक अभ्यास करण्यासाठी समिती गठीत करणेबाबत” या विषयावर महाराष्ट्र शासनाच्या वित्त विभागाने दिनांक १४ मार्च २०२३ रोजी शासननिर्णय निर्गमित करून एक समिती गठीत केलेली आहे.

“सदर समितीने राष्ट्रीय निवृत्तिवेतन प्रणाली व जुनी निवृत्तिवेतन योजना यांचा तुलनात्मक अभ्यास करून दिनांक १ नोव्हेंबर २००५ रोजी किंवा त्यानंतर नियुक्त होणाऱ्या कर्मचाऱ्यांना सेवानिवृत्तीअंती खात्रीशीर आर्थिक व सामाजिक सुरक्षा सुनिश्चित करण्यासाठी उपाययोजनेबाबतची शिफारस/अहवाल शासनास ३ महिन्यात सादर करावा.”

महाराष्ट्र शासनाच्या वित्त विभागाचा हा शासननिर्णय काळजीपूर्वक वाचला तर असे चटकन लक्षात येते की, नवीन पेन्शन योजना लागू करण्याचा राज्यशासनाचा मूळ निर्णय हा विचारपूर्वक घेण्यात आलेला नव्हता. कारण तसा तो घेण्यात आला असता तर राज्यस्तरावर सुद्धा अशी समिती नेमण्याचे कोणतेही कारण नव्हते.

१८४. आता नवीन पेन्शन योजनेचा हट्ट घट्ट पकडून ठेवतांना जुन्या पेन्शन योजनेसारखी सुधारित पेन्शन योजना आपण अंमलात आणत आहोत अशा प्रकारची वार्तापत्रे केंद्रशासनाकडून व राज्यशासनाकडून प्रसृत केली जात आहेत. राज्यशासनातर्फे तर मा.मुख्यमंत्र्यांनी कर्मचारी संघटनांना असे सांगितले की, कर्मचाऱ्यांचे नुकसान होणार नाही व जुन्या पेन्शन योजनेइतकी वित्तलब्धी सेवानिवृत्तीनंतर त्यांना मिळत राहील अशी सुधारित पेन्शन योजना आपण आणत आहोत. अशी घोषणा करीत असतांना आंध्रप्रदेश सरकारने अशी सुधारित पेन्शन योजना अंमलात आणली असून जुन्या पेन्शन योजनेइतकी वित्तलब्धी त्यामुळे सुरू राहील असे सांगितल्या जात आहे. या सुधारित पेन्शन योजनेचा लेखी मसुदा किंवा शासननिर्णय ना केंद्रसरकारकडून पुढे आलेला आहे ना राज्यसरकारकडून तो प्रकाशित झालेला आहे. येणार, येणार असे नुसते सांगितले जात आहे. जोपर्यंत लेखी मसुदा येत नाही तोपर्यंत या नवीन तथाकथित सुधारित पेन्शन योजनेच्या गुणदोषांची चर्चा करता येणार नाही. मात्र आंध्रप्रदेश सरकारने याबाबतीत जो कायदा केलेला आहे तो जर नीट समजून घेतला तर येऊ घातलेल्या सुधारित पेन्शन योजनेचे संकट कोणत्या स्वरूपाचे असेल

याबाबतीत कल्पना येऊ शकते.

१८५. आंध्रप्रदेश सरकारच्या विधी व न्याय विभागाने दिनांक २० ऑक्टोबर २०२३ रोजी आंध्रप्रदेश शासनाच्या गॅझेटच्या भाग ४ व मध्ये हा कायदा प्रकाशित केलेला आहे. आंध्रप्रदेश शासनाचा सन २०२३ चा कायदा क्रमांक ३१ असे त्याचे क्रमांकन झाले असून "An Act to ensure financial security and welfare of the government employees subscribed to the National Pension System by implementing A Guaranteed Pension System, while also ensuring fiscal sustainability and inter-generational equity and for matters connected therewith or incidental thereto." असे त्या कायद्याचे दीर्घ शीर्षक आहे. याच कायद्याचे लघू शीर्षक "The Andhra Pradesh Guaranteed Pension System Act, 2023." असे आहे. (यापुढे उल्लेख 'आंध्रप्रदेशचा कायदा' असा) आंध्रप्रदेश शासनाच्या या कायद्यावरून सुधारित पेन्शन योजनेचे स्वरूप काय असेल? याची थोडीफार कल्पना येऊ शकते.

१८६. आंध्रप्रदेशच्या कायद्याप्रमाणे दुरुस्ती करून जी योजना अस्तित्वात आलेली आहे ती योजना म्हणजे जुनी पेन्शन योजना नसेल तर नवीन पेन्शन योजनेला घट्टपणे बांधून ठेवणारी ती "सुधारित नवीन पेन्शन योजना" असेल. हे सर्वप्रथम लक्षात ठेवले पाहिजे. जुनी पेन्शन योजना ही संपूर्णपणे संपुष्टात आलेली असेल. 'ती' जुनी पेन्शन योजना नसेल तर तीच्यासारखी रंगरंगोटी केलेली नवीन पेन्शन योजना असेल. 'ती' म्हणजे ती, तिच्यासारखी म्हणजे 'ती' नव्हे. आंध्रप्रदेशच्या कायद्याप्रमाणे घटनेने दिलेल्या अधिकारांचा वापर करून राज्यसरकारला त्याबाबतीत कायदा करावा लागेल व अशारीतीने नवीन पेन्शन योजना सुधारित केली जाईल. नव्याने जन्माला आलेल्या या सुधारित पेन्शन योजनेवर दोन कायदांचे नियंत्रण असेल. एक म्हणजे The Pension Fund Regulatory and Development Authority Act, 2013 हा केंद्रसरकारचा कायदा (PFRDA) व आंध्रप्रदेशच्या कायद्याप्रमाणे राज्याने केलेला कायदा अशा दोन कायदांचे नियंत्रण या सुधारित पेन्शन योजनेवर असेल.

१८७. सेवानिवृत्तीवेतनधारक हा निवृत्त व्यक्तीचा दर्जा संपूर्णपणे यापूर्वीच संपुष्टात आलेला आहे. नव्या पेन्शन योजनेच्या अंतर्गत त्याला 'वर्गणीदार' असा दर्जा केंद्राच्या कायद्याने मिळवून दिलेला आहे. पण त्याला आता आणखी राज्याच्या कायद्याप्रमाणे दुसऱ्यांदा सुधारित पेन्शन योजनेमध्ये पुन्हा 'वर्गणीदार' म्हणून स्वतःला नोंदवून घ्यावे लागेल. अशारीतीने दुहेरी वर्गणीदाराचा जीरेटोप सदरहू कर्मचाऱ्याच्या डोक्यावर चढविला जाईल. आंध्रप्रदेश कायद्याच्या कलम २ च्या उपकलम (६) व (१५) मध्ये या दुहेरी वर्गणीदारीची व्याख्या पुढील शब्दात नमूद केलेली आहे.:-

"(6) "APGPS Subscriber" means the employee, who registers to avail the benefits defined under the Andhra Pradesh Guaranteed Pension System;"

"(15) "NPS Subscriber" means the employee who joins service with the Government on or after 1.9.2004 and who subscribes to a scheme of a Pension fund under National Pension System;"

१८८. सुधारित पेन्शन योजनेमध्ये भागीदार होणारी निवृत्त व्यक्ती ही अगोदरच नव्या पेन्शन योजनेमध्ये वर्गणीदार म्हणून नोंद झालेली आहे. त्या व्यक्तीला आता पुन्हा राज्याने केलेल्या या कायद्याप्रमाणे वर्गणीदार म्हणून नोंदवून घ्यावे लागेल. इथे त्याला किती वर्गणी भरावी लागेल? हे आजच नमूद केलेले नाही मात्र ते नंतर नियमांनी ठरवून दिले जाईल. आंध्रप्रदेश कायद्याच्या कलम ५ (३) मध्ये पुढीलप्रमाणे तरतूद आहे. :-

"(3) The detailed process and procedure for APGPS Registration shall be detailed in the Rules notified under this Act."

१८९. आंध्रच्या कायद्यामध्ये "Guaranteed Pension System" असे शब्द वापरलेले असले तरी ती हमी ही फक्त दोन घटकांची मिळून बनलेली असेल. पहिला घटक म्हणजे केंद्राच्या योजनेप्रमाणे वर्षास न सेवा पुरवठादार म्हणून नेमलेल्या कंत्राटदाराकडून दिले जाणारे वर्षास (Annuity) आणि दुसरा घटक म्हणजे राज्याच्या योजनेनुसार त्यावर घातलेली शीग रक्कम (Top-up Amount) या दोन मिळून ही (Guaranteed Pension System) योजना असेल. आंध्रप्रदेश कायद्याच्या कलम २ (९) मध्ये ही बाब पुढील शब्दात नमूद आहे. :-

"(9) "Guaranteed Pension" means the amount of total

monthly pension receivable by the APGPS subscriber upon retirement and which comprises of the **Annuity Component and the Top-up Component** as specified under this Act;"

१९०. राज्याने घालावयाच्या शीगेची व्याख्या आंध्रप्रदेश कायद्याच्या कलम ३ मध्ये नमूद आहे. ती पुढीलप्रमाणे :-

"**Top-up amount** to ensure a monthly Guaranteed Pension at the rate of **fifty percent (50%)** of the last drawn basic pay, in case of a shortfall in the annuity received by the retired APGPS subscriber."

१९१. आंध्रप्रदेशच्या कायद्याप्रमाणे अनेक गोष्टी ह्या नियमाप्रमाणे पुढे ठरतील किंवा ठरविल्या जातील असे नमूद केलेले आहे. हे नियम पुढे केव्हा तरी केले जातील. आज मात्र त्याबाबतीत अनिश्चितता आहे. कोणकोणत्या बाबतीत नियम केले जातील याचे तपशील पुढीलप्रमाणे नमूद आहेत. :-

"(2) In particular and without prejudice to the generality of the foregoing power, **such rules may provide** for all or any of and not limited to the following matters, with reference to APGPS, namely, -

- Conditions pertaining to reckoning of qualifying service;
- Conditions governing various retirement situations, including death, and the entitlements thereof;
- Conditions governing the purchase of annuity plan;
- Cessation of the Top-up Component;**
- Employment after retirement;
- Top-up Component subject to future good conduct;**
- Withholding or withdrawing Top-up Component;**
- Grievance redress mechanism for APGPS subscribers."

१९२. या योजनेमध्ये अनेक दोष असून त्यातील सर्वात महत्त्वाचा दोष म्हणजे तक्रार निवारक यंत्रणेचे (Grievance Redressal Mechanism) स्वरूप आणखी किचकट व गुंतागुंतीचे करून ठेवण्यात आलेले आहे. नवीन पेन्शन योजनेत तक्रार निवारण्याचे काम शासनाकडे अजिबात ठेवण्यात आलेले नाही तर त्यासाठी केंद्राच्या कायद्याने बाह्य यंत्रणा निर्माण केलेल्या आहेत. त्याची तपशीलवार माहिती यापूर्वी दिलेली आहे. आता या आंध्रप्रदेशच्या कायद्यामध्ये राज्यसरकार सुद्धा काहीतरी तक्रार निवारण यंत्रणा उभी करेल असे नमूद केलेले आहे. मात्र त्या यंत्रणेचे स्वरूप काय असेल हे आज स्पष्ट होत नाही. ते याबाबतचे नियम तयार झाल्यानंतरच स्पष्ट होईल.

१९३. या योजनेमधील सर्वात धोक्याचा भाग असा आहे की, शीग घालण्याची रक्कम कमी करण्याचा किंवा ती बंद करण्याचा अधिकार हा शासनाकडे असेल असे स्पष्टपणे आंध्रप्रदेशच्या कायद्याच्या ६ व्या कलमाच्या उपकलम (३) व (५) मध्ये पुढील शब्दात नमूद आहे. :-

(3) Calculation of Guaranteed Pension and the Top-up Component shall be as prescribed in the **rules** notified under this Act.

(5) It shall be competent for the Government to withhold or withdraw the Top-up component or a part therefrom, in accordance with the **prescribed rules**.

१९४. याशिवायही अनेक दोष हे आंध्रप्रदेशच्या योजनेमध्ये आहेत. प्रत्यक्ष महाराष्ट्र सरकारतर्फे याबाबतीत कायद्यामध्ये काय तरतुदी केल्या जातात हे पाहिल्याशिवाय त्यावर टिका करणे योग्य होणार नाही आणि त्यामुळे त्या कायद्याची वाटच पहावी लागेल. एक गोष्ट मात्र निश्चित आहे की, जे काही महाराष्ट्र शासनाच्या दरबारातून बाहेर पडेल त्यानुसार एक म्हणजे जुनी पेन्शन योजना ही जशीच्या तशी अंमलात येणार नाही. दुसरे म्हणजे नवीन पेन्शन योजनेत कोणताही बदल न करता ती जशीच्या तशी सुरू राहील. तिसरे म्हणजे नवीन पेन्शन योजनेत दिलेले धक्के कमी करण्याचा अल्पसा प्रयत्न या नवीन सुधारित पेन्शन योजनेमध्ये करण्यात आलेला आहे असे दाखविले जाईल.

दिनांक : २१.०८.२०२४

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 13031 OF 2023**

Anita Bhagawat Narkhede alias Anita Avinash Kolhe Age: 53 years, Occu: Service R/o Plot No.6, Madhukunj, Shakarwadi, Ring Road, Dist. Jalgaon. ... **PETITIONER V/s. (1)** The State of Maharashtra Through its Secretary of Education, Mantralaya, Mumbai. **(2)** Deputy Director of Education, Nashik, Dist. Nashik. **(3)** Education Officer (Secondary) Zilla Parishad, Jalgaon. **(4)** Leva Educational Union, Jilha Road, Jilha Peth, District Jalgaon through its Secretary **(5)** Dr. Annasaheb G.D. Bendale Mahila College, Jilha Road, Jilha Peth, Dist. Jalgaon Through its Principal **(6)** Kaviyitri Bahinabai Chaudhary North Maharashtra University P.B. No.80, Umavi Nagar, Jalgaon Through its Registrar. ... **RESPONDENTS...** Ms. Nayana Patil h/f. Surekha Mahajan, Advocate for the Petitioner Mr. S.B. Narwade, AGP for Respondent-State Mr. S.R. Patil, Advocate for Respondent Nos.3 & 4

CORAM

RAVINDRA V. GHUGE & Y. G. KHOBRADE, JJ.

RESERVED ON : 18th January, 2024 : PRONOUNCED ON : 5 th February, 2024

JUDGMENT (Per: Y. G. Khobragade, J.)

1. Rule. Rule made returnable forthwith and heard finally with the consent of the parties.

2. By this petition under Article 226 of the Constitution of India, the Petitioner prayed for issuance of Writ of Mandamus directing the Respondents to consider 6 years of part time service w.e.f. September 2001 to September 2007 while computing qualifying service for the pensionary benefits.

3. The learned advocate for the Petitioner submits that, the Petitioner has qualified B.Sc, MP.Ed and DCM. She was appointed as Shikshan Sevak (Physical Education) with the Respondent No.5 Junior College on part time basis w.e.f. 18.09.2001. Her appointment was duly approved by Respondent no.2 vide order dated 11.02.2002. She worked with the Respondent no. 5 for the period of 6 years w.e.f. 18-09-2001 to 18-09-2007 as a part time lecturer in Physical Education. Thereafter, she was appointed on full time Shikshan Sevak (Physical Education) w.e.f. 20.06.2007. The Respondent No.2 Deputy Director of Education granted approval to the appointment of the petitioner on 06.11.2007. In the year 2007, she was granted senior pay scale. Then, she was appointed as a Director of Physical Education with Respondent

No.5-College on 25.09.2013 on 100% grant-in-aid basis against the vacant post. On 03.01.2014, the Respondent No. 6 University granted approval for said appointment w.e.f. 29.11.2013.

4. The learned counsel for the petitioner submits that, **the Petitioner worked as a Part Time Teacher with grant of approval of Respondent No.2 from year 2001 to 2007** and as a Full Time Teacher from 20.06.2007 till 2013 and presently working being a Director of Physical Education from the year 2013 and She would be retiring on 16.05.2029. Since, she has performed six years as a Part Time Teacher, therefore, said period needs to be considered while computing her pensionary benefits.

5. The learned advocate for the Petitioner submits that Rule 30 of Maharashtra Civil Services Rules provides commencement of Qualifying Service. Qualifying service of Government employee commences from the date from which the employee substantially or temporary capacity is appointed. Therefore, at the time of the retirement, the service rendered by the petitioner being part time teacher required to be considered.

6. To buttress her submissions the learned advocate for the Petitioner relied on the cases of

DEMOCRATIC TEACHERS' FRONT

16.8.2024

DTF solidarity with

Ambedkar University of Delhi Faculty Association (AUDFA)

DTF strongly supports the ongoing struggle of the faculty at Ambedkar University Delhi. **The faculty members under the banner of the Ambedkar University of Delhi Faculty Association (AUDFA)** are fighting for their legitimate and basic rights against targetted harassment, violation of government norms, denial of promotions, etc.

The AUDFA struggle for their rights is at the same time a struggle to protect, preserve and enhance public higher education. As part of the neoliberal offensive, the ruling dispensation has been undermining the academic syllabi, cutting public funds, undermining service conditions, increasing fees, etc. To give effect to this multi-pronged undermining of public higher education, the satraps of the ruling dispensation who are moonlighting as academic administrators have been attacking the service conditions of teachers and trying to undermine their democratic organisation. **Thereby they want to establish a new normal where "consent is manufactured" for commercialisation, contractualisation and privatisation of higher education.**

Ambedkar University of Delhi has earned a pride of place in public higher education through creative hard work and dedication of faculty, students and non teaching employees. **The preservation and strengthening of Ambedkar University of Delhi as a beacon of public higher education is necessary** for the future of not only the people of Delhi but also the people of India and beyond.

DTF extends its solidarity with the ongoing struggle of AUDFA. We also call upon the teachers' collectives, students and the wider democratic movement at all levels to act in solidarity with AUDFA's struggle to defend their institution from being undermined by the ruling dispensation.

Rajib Ray, President

Abha Dev Habib, Secretary

Chitrlekha M. Naik V/s. State of Maharashtra & Ors.; (2022) 1 AIR Bom R 510, and Mahatma Phule Krishi Vidyapeet V/s. Ganpat Kisan Karle; 2016 (3) AIR Bom R 697, Single Judge Bench of this Court, authored by one of us (Coram: Ravindra V. Ghuge, J.). Further he relied on an order dated 24.03.2023 passed in **Writ Petition No.9545/2022 (Vandana Lakhichand Borole V/s. The State of Maharashtra and Ors.)**.

7. Per contra Mr. S.B. Narwade, the learned AGP appearing for the Respondent Nos. 1 to 3 vehemently canvassed that, initially the petitioner was appointed with the Respondent No.5 on 18.09.2001 on part time basis, but said appointment was not approved by the Respondent No.2. Deputy Director of Education. Therefore, said period as a part time cannot be considered for the purpose of pensionary benefits under Rule 30 of the Maharashtra Civil Services (Pension) Rules, 1982, and hence, prayed for dismissal of the petition.

8. Adv. S. R. Patil, the learned counsel appearing for Respondent Nos. 4 & 5 submits that, after due permission of Respondent No.2, the selection procedure was followed and the Petitioner was appointed. **The Petitioner joined as Shikshan Sevak on 18.09.2001. Respondent No.2 granted approval to the appointment of the Petitioner on 11.02.2002, on full time basis w.e.f. 20.06.2007** vide letter dated 06.11.2007. Therefore, she was continuously working since then, and hence, prayed for passing an appropriate order.

9. **Needless to say that, the Petitioner was fully qualified for appointment being a Shikshan Sevak as she did B.Sc., MP.ED, DCM. No doubt, initially, she was appointed as a Shikshan Sevak (Physical Education) on part time basis w.e.f. 18.09.2001** and her service was duly approved by Respondent No. 2 on 11.02.2002. Subsequently, she was brought on half pay basis with continuity in service vide order dated 22.09.2006 issued by the Respondent No.2. It is not in dispute that, Respondent No.2 accorded approval to the appointment of the Petitioner on full time basis w.e.f. 20.07.2007 vide letter dated 06.11.2017. Therefore, from the date of initial appointment, she is continuously discharging her duty. She served as a part time Assistant Teacher (Physical Education) for six years. However, She apprehends that, the Respondents may not consider her 6 years of part time service for the pensionary benefits at the time of her retirement.

10. Rule 30 of the Maharashtra Civil Services (Pension) Rules, 1982 rules provides as under:

“30. Commencement of qualifying service Subject to the provisions of these rules, qualifying service of a Government servant shall commence from the date he takes charge of the post to which he is first appointed either substantively or in an officiating or temporary capacity:

Provided that at the time of retirement he shall hold substantively a permanent post in Government service or holds a suspended lien or certificate of permanency:

[Provided further that, in cases where a temporary Government servant retires, on Superannuation or on being declared permanently incapacitated for further Government service by the appropriate medical authority after having rendered temporary service of not less than ten years, or voluntarily after completion of twenty years of qualifying service, shall be eligible for grant of Superannuation, Invalid or, as the case may be, Retiring Pension; Retirement Gratuity; and Family Pension at the same scales as admissible to a permanent Government servant.] Exception- The rules regarding grant of terminal benefits to temporary Government servants [except those mentioned in the second proviso] who retire without being confirmed in any post in Government service are embodied in Appendix II.

Note1.- If a Government servant is holding a temporary post when the permanent post on which he holds a lien is abolished in the circumstances described in the rule 81, or if, at or very shortly after the abolition of the permanent post, he is appointed to a newly created temporary post, his service in the temporary post is pensionable service.

Note 2.- In the case of the employees of former India States who have been absorbed in Government service previous pensionable service rendered by them under the same State should it immediately followed by Government service be taken into account for purposes of pension on his final retirement from Government service. Pensionable service

rendered under different States should be taken into account for purposes of pension provided that the employees were transferred or sent on deputation from one State to another under a written agreement between the Governments of the States concerned.

The term “immediately” appearing in Note 2 above includes a break in service if it does not exceed six months, between the date on which the service was terminated and the date of his reemployment in service). The question whether the previous service in Indian States in pensionable or not should be determined in accordance with these rules as if those rules were applicable to that service.”

11. In the case of **Chitrlekha M. Naik, (supra)**, this Court has held that, **50% of the part time service rendered by the employees has to be taken into consideration along with the services rendered by the Petitioner** as full time teacher, for grant of superannuation pension benefits.

12. In the case of **Mahatma Phule Krishi Vidyapeet, (supra)**, the Single Judge Bench of this Court considered various case law cited therein and observed in Para Nos.38 to 40 as under:

“38. A careful perusal of the second proviso to Rule 30 will indicate that it is with regard to the case of a temporary Government servant who retires on superannuation. So also, an employee being declared permanently incapacitated by the appropriate medical authority or an employee who has voluntarily retired from service is also held eligible for grant of superannuation, invalid or as the case may be, retiring pension, retirement gratuity and family pension at the same scale, as is admissible to a permanent Government servant. It is, therefore, provided by the said proviso that a temporary Government servant, who retired on superannuation and who has completed not less than ten years of service, obviously as a temporary employee, is also held entitled for retiring pension, retirement gratuity and family pension at the same scale as is admissible to a permanent Government servant. As such, in my view, Rule 30 is aimed at covering the cases of all such employees, who have been working temporarily for a period of at least ten years, are held to have satisfied the definition of “Qualifying Service under Rule 30 and who are not covered by Rule 57.

39. In the light of the above, though I have come to a conclusion that the Industrial Court has erroneously relied upon Rule 110 while allowing the complaint of the respondent, I am not inclined to remit the matter back to the Industrial Court since I have dealt with the said issue of pension in this judgment. So also, it would cause grave hardships and manifest inconvenience to the respondent - employee, who has retired from service on 30.11.2000, which is practically more than 15 years ago, to undergo the rigors of litigation again.

40. In the light of the above, the direction in Clause (3) of the operative part of the impugned judgment by which the petitioner was directed to pay pension as per Rule 110 of the 1982 Rules, stands modified with the direction to the petitioner to pay pension to the respondent - employee as he has fulfilled the requirement of Rule 30 of the 1982 Rules, as expeditiously as possible and preferably within a period of three months from today.”

13. The same issue has been followed subsequently in the order dated 24.03.2023 passed in Writ Petition No.9545/2022 and held that, **the part time service which was approved by the Competent Authority can be considered to the extent of 50% to be added up with the regular service put in by an employee**, so as to calculate qualifying service for the purposes of the retiral benefits.

14. **Similarly, in the case in hand, the Petitioner rendered six years service as a part time teacher w.e.f. 18.09.2001 till 18.09.2007.** Therefore, considering the Rule 30 of Maharashtra Civil Services (Pension) Rules, 1982 and the view taken in above cited case law, 50% of the service rendered by the Petitioner as part time teacher is required to be computed for the pensionary benefits by adding it to the full time service (Assistant Teacher) w.e.f. 18.09.2007.

15. In view of the above discussion, the petition is partly allowed. **The Respondents are hereby directed to consider 50% service rendered by the Petitioner as a part time teacher for the pensionary benefits.** Accordingly, Rule is made partly absolute in the above terms.

(Y.G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

ALL INDIA FEDERATION OF UNIVERSITY & COLLEGE TEACHERS' ORGANISATIONS

(Regd. Under Act XXI of 1860)

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AIFUCTO Circular No 5_2024-2025 : Date 14.08.2024

Dear Friends,

Warm Greetings and Best Wishes.

The National Executive Council (NEC) meeting of All India Federation of University and College Teachers (AIFUCTO) was held in Delhi on August 4, 2024. It was a daylong meeting held at **Harkishan Singh Surjeet Bhavan** which was joined by delegates from 25 states. The meeting was presided over by AIFUCTO **President Prof M.Nagarajan. General Secretary Professor Arun Kumar** presented report of AIFUCTO activities and put the agenda for discussion before NEC. All the teachers present in the meeting noted with great concern the continued nonchalance of the central government and Ministry of Education towards academic issues in higher education and also matters relating to professional demands of teachers. If such attitude of government continues, then AIFUCTO will be compelled to launch a countrywide agitation (discussed in detail later). The issues discussed in the meeting included repeal of NPS and reinstating OPS, provision for increment for MPhil/ PhD in the UGC Regulations, 2018 for teachers across India, uniform age of retirement of college and university teachers at 65 throughout India, immediate release of 50% arrear due from central government as per the Seventh Pay Commission recommendations, withdrawal the harmful clauses and suggestions of NEP 2020, withdrawing mandatory PhD as a precondition for career advancement and the continuous budget cut on education, which AIFUCTO demands must be 10% of the GDP. AIFUCTO NEC also claimed that physical instructors should be given their due recognition and treated at par with teachers. The executive committee of AIFUCTO also demanded that National Eligibility Test (NET) should not be mandatory for pursuing research and PhD should be immediately repealed by UGC. The executive committee also decided that it would continue to fight for proper pay scale and working conditions of teachers in self-financed and autonomous colleges and requested state governments to take note of the matter.

After thorough day long discussion NEC warned the Education Ministry that if AIFUCTO demands remained unheard and unfulfilled, AIFUCTO will launch phase wise agitation from Teachers; Day, September 5, 2024. A common draft of mass representation will be sent very soon after approval of the AIFUCTO Secretariat.

The programme to be undertaken by AIFUCTO would be carried out in several stages.

1. Most importantly a charter of demands highlighting the academic, professional and other unresolved, impending issues would be circulated among the teachers countrywide to be followed by mass letter writing and representation to UGC and Ministry of Education.

2. Black Day, (wearing of black badges and posters highlighting the teachers' demands) will be observed unit wise in all Colleges and Universities of the states on a day decided by AIFUCTO

3. Dharnas and protest demonstrations will be held Unit wise in all college and university campuses and before offices of education

department.

4. There will be state level meetings and conventions to raise awareness among teachers about their demands.

5. Zonal meetings and Press Conferences from unit to state level are to be held.

6. Before and during the winter session of the Parliament in November, a mass rally at Delhi will be organized. AIFUCTO central leadership requests its affiliate bodies to bring together as many number of members as possible for the said rally

FORMATION OF COMMITTEES

For effective management of its various functions it was decided at the NEC to constitute following committees:

- i. Academic Committee**
- ii. Financial Committee**
- iii. IT Committee**
- iv. Press Committee**

The functions of the Committees are evident from the nomenclature.

CONDOLENCE AND RELIEF FUND

The NEC meeting took note of the natural calamities that took away so many lives in different corners of the country. To this effect, NEC expressed its grief over the landslides and cloudbursts in Wayanad, Kerala, Himachal Pradesh and Uttarakhand and passed a special condolence resolution. The affiliates were requested to raise sizeable fund and contribute the same to the Chief Minister's Relief Fund. The call was specifically given for Kerala.

NEW AFFILIATION

The NEC approved the proposal of affiliation **Anudanit Mahavidyalaya Swabitta Poshit Shikshak Sangh** (AMSSA) UP and assured them to take their demands in AIFUCTO agenda. In this connection AIFUCTO assured all help and assistance to teachers' bodies of private colleges and universities fighting for their legitimate professional rights.

As decided in the last NEC meeting held in Patna on March 17, 2024 the charter of demands was finalized which, it was decided would be eventually send to the Education Minister, UGC Chairman and even to the members of opposition parties.

The demands made are listed below:

- Repeal NEP 2020
- Increase budget allocation on education to 10%
- Abolish NEET, CUET and other centralized tests that undemocratically minimize the role of states and also undermine the federal structure of the Constitution.
- Stop clustering, merging and phasing out of standalone and single stream educational institutions.
- Restore Old Pension Scheme, ensure uniform age of retirement at 65 for all universities and

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 18.07.2024 : Pronounced on : 07.08.2024

CORAM: THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.34738 of 2023 & 2991 of 2024 and WMP.Nos.34700 of 2023, 3260, 13305 & 13460 of 2024

WP.No.34738 of 2023

Dr.K.M.Chinnadorai...**Petitioner Vs. (1)** Kamban College of Arts and Science, Palladam – Pollachi Main Road, Sulthanpet, Sulur Taluk, Coimbatore District 641 669 **(2)** The Principal Secretary to Government, Higher Education(H1) Dept, Fort St.George, Chennai-9 **(3)** The Registrar, Bharathiar University, Coimbatore – 46 **(4)** The Director of Collegiate Education, Institute of Advance Study in Education Campus, 577, Anna Salai, Saidapet, Chennai 600 015 ... Respondents

PRAYER : Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondents to permit the petitioner to continue to the service in the first respondent college as Principal till the age of seventy(70) years as per the regulations of the University Grants Commission(UGC) dated 18.07.2018.

college teachers across the country.

- Extend UGC scales of Pay and service conditions to all teachers of grants-in-aid institutions of all the states.

- Union Government must disburse the 50 percent share of the 7th pay revision outlay to the state government immediately.

- The Union Government must persuade the state governments to implement the recommendations of the 7th pay revision in totality.

- Grant professorship under CAS upon fulfilment of requisite criteria, to all teachers in government, and government aided colleges across the country.

- Delink PhD for CAS promotion to Associate Professor and Professor

- All state governments should implement UGC direction of the extension of date for RC/OC.

- M.Phil. program must continue and increments for Ph.D.; M.Phil. must not be done away with.

- Improve service conditions of teachers in adhoc/ part time/ guest lecturers/ block grant teachers.

- Filling up of all teaching and non- teaching posts in a permanent and regular mode

- Protect secular, scientific, democratic and federal character of education

- Provide consultative status to all Teachers' Organisations in the country

- States should have full control of framing the syllabus of the subjects taught at UG and PG levels

- Ensure proper implementation of the constitution mandated reservations policy for

- SC/ST/OBC/PWS in higher education institutions; re-instate all scholarship for minorities and SC/ST/OBC such as Maulana Azad National Scholarship and Rajiv Gandhi Fellowship.

- Tuition fees for SC, ST, OBC and girl students to be waived for creating their better access to education.

- Faculty members must have full autonomy in framing the education curriculum in Higher Education.

- Autonomy and democratic functioning in higher educational institutions across the country must be strengthened.

- The Eighth Pay Commission for central government employees should be set up immediately.

AIFUCTO NEC decided to support the protest

movement launched by Confederation of Central Government Employees demanding for constituting 8th Pay Commission

ACADEMIC CONFENCE OF AIFUCTO 2024

The venue and date of the next academic conference of AIFUCTO is now under consideration. However, as notified earlier about our choice of Kerala, no venue could be decided in the meeting.

MEETING WITH EDUCATION MINISTER, UGC CHAIRMAN AND OPPOSITION PARTY LEADERS.

With the new government in power as well as the opposition parties at a better bargaining position, AIFUCTO leadership has decided to seek an appointment with the Minister of Education and discuss all matters related to higher education, including NEP and apprise the government about AIFUCTO's stance on the same. The same will be discussed with UGC Chairman. AIFUCTO leadership also wants to take the opposition parties into confidence and want them to push its agenda in Parliament. This is why It has been decided that the opposition parties should be made aware of the current educational scenario emanating from the introduction of new policies and NEP by BJP government, which never took any suggestion from AIFUCTO or other stake holders of education.

FINANCIAL MATTERS OF AIFUCTO

NEC decided to collect minimum One Hundred rupees (Rs.100) from each teacher of each affiliate to strengthen its financial position. At the NEC meeting, the affiliate bodies were requested to send the struggle fund as early as possible to AIFUCTO Account. Comrades, this month is indeed august because it was on the fifteenth day of this month in 1947 that we gained our freedom from the imperialist British state. We are once again in the throes of extremely challenging times. While the election results of June 2024 did give us some hope, the conduct of the central government takes away the hope every now and then. The Broadcasting Bill of 2024, if allowed to pass, will throttle the last remnants of free press that now remains. Several such measures will follow unless we, the teachers- the conscience of the country act decisively. Let us renew our pledge to fight against all forms of fundamentalism, orthodoxies and divisive forces. Let us spread the light of freedom by keeping the torch of education alight. **Jai Hind, Inquilab Zindabad!**

With fraternal Greeting

Prof. Dr. M. Nagarajan, **Prof.Dr.Arun Kumar**
President AIFUCTO **General Secretary AIFUCTO**

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WP.No.2991 of 2024

Dr.K.Ramamurthi...**Petitioner Vs. (1)** Dr.N.G.P.Arts and Science College, Dr.N.G.P. Kalapatti Road, Coimbatore District 641 048 **(2)** The Principal Secretary to Government, Department of Higher Education, Government of Tamilnadu, Fort St.George, Chennai-9 **(3)** The Registrar, Bharathiar University, Coimbatore – 46 **(4)** The Director of Collegiate Education, Institute of Advance Study in Education Campus, 577, Anna Salai, Saidapet, Chennai 600 015 ... Respondents

PRAYER :

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records in proceedings No.20433/A3/2023 dated 23.01.2024 passed by the third respondent and quash the same and consequently direct the respondents to permit the petitioner to continue his service in the first respondent college as Principal as per the regulations of the University Grants Commission (UGC) dated 18.07.2018 irrespective of the GO.Ms.No.5 of 2021, Higher Education(H1) Department, dated 11.01.2021.

For Petitioner in both WP's : Mr.K.M.Vijayan, Senior Counsel for M/s.K.M.Vijayan Associates **For Respondents** in both WP's **For R2 & 4** : Mr.C.Jayaprakash, Government Advocate **For R3** : Mr.K.J.Parthasarathy, Standing Counsel **For R1** : No appearance

COMMON ORDER

The writ petition in WP.No.2991 of 2024 has been filed against the order passed by the third respondent dated 23.01.2024 thereby informed that the petitioner is not eligible for the post of Principal at the first respondent College since he has completed his tenure of 10 years as Principal. The writ petition in WP.No.34738 of 2023 has been filed for direction to the respondents to permit the petitioner to continue the service of Principal of the first respondent College till the age of 70 years.

2. The issues involved in both the writ petitions are one and the same and as such, this Court is inclined to pass common order.

3. The petitioner in WP.No.2991 of 2024 was appointed as Principal in the first respondent College on 04.10.2023. Originally he had joined as Lecturer and promoted to the post of Assistant Professor. Thereafter, the petitioner was promoted to the post of Associate Professor and he was appointed as Principal. The first respondent College is a self financing college and the petitioner was appointed as per the eligibility laid down by the University Grants Commission norms (hereinafter called as UGC norms). After appointment of the petitioner as Principal, the first respondent had sent proposal for approval of his appointment as Principal. However, it was rejected by citing Government order in GO.Ms.No.5 Higher Education (H1) Department dated 11.01.2021 and also stated that his tenure of 10 years was completed as Principal.

4. The learned Senior Counsel appearing for the petitioner submitted that the Government passed order in GO.Ms.No.5 Higher Education (H1) Department dated 11.01.2021 on minimum qualifications for appointment of teachers and other academic staff in Universities and Colleges and measures for the maintenance of standards in Higher Education 2018 to the teachers and other academic staff in the Universities under the control of Higher Education Department and Government / Government aided colleges in toto with minor modifications with effect from 01.04.2020. Accordingly, the eligibility for the post of Principal

is Ph.D. As per the tenure, the Principal shall be appointed for a period of five years and it is extendable for another period of five years. After completion of 10 years of tenure, the Principal shall join back in his parent organisation with the designation as Professor. However, the learned Senior Counsel submitted that in the first respondent college, there is no Professor post and as such, the petitioner cannot be directed to join as Professor. If the petitioner's tenure is not continued, he will lose the opportunity to get a higher post such as Vice Chancellor. Therefore, the order passed by the third respondent is contrary to the Government order as well as the UGC norms. That apart, the Government order in GO.Ms.No.5 Higher Education (H1) Department dated 11.01.2021 is not at all applicable to the self financing colleges. As per the Government order, it is applicable only for appointment of teachers and other academic staff in Universities and Colleges and measures for the maintenance of standards in Higher Education 2018 to the teachers and other academic staff in the Universities under the control of Higher Education Department and Government / Government aided colleges in toto with minor modifications with effect from 01.04.2020. The first respondent is being a self financing college, the Government order is not at all applicable. Therefore, the petitioner did not challenge the norms of the University Grants Commission and also the Government order.

5. Insofar as the petitioner in WP.No.34738 of 2023 is concerned, the petitioner had joined in the first respondent College as Principal in the year 2018 and he is working as Principal till now. Originally he was appointed as Lecturer and promoted to the post of Assistant Professor and Professor. **The first respondent College is an unaided self financing college and the appointment of the teachers and principals were made by the management as per the UGC norms.** As per the Government order in GO.Ms.No.325 Higher Education(H1) Department dated 18.05.2003, wherein directed the Registrars of all Universities and the Director of Collegiate Education that **no retired teachers after the age of 62 years can be appointed in any statutory or even non statutory position in Universities / Colleges based on the then Regulations of UGC.** Therefore, the second respondent issued letters in respect of the retirement and the same was challenged by the petitioner in WP.Nos.17645 of 2018 and 10511 of 2018. Though the writ petitions were dismissed, the Hon'ble Division Bench of this Court in WA.No.1839 of 2023, directed the second respondent to revisit the Government order in GO.Ms.No.325 Higher Education(H1) Department dated 18.05.2003.

5.1 The learned Senior Counsel submitted that as directed by this Court, the second respondent replied by clarifying that in the said Government order, there is no reference about the age limit of Principals in self financing college. As per the UGC Regulations, the teachers such as Assistant Professor, Associate Professor and Senior Professor are only re-employed on contract appointment beyond the age of superannuation and there is no reference about the maximum age of Principals in self financing colleges. UGC Regulations 2.3.2 says that subject to the availability if vacant positions and fitness, teachers such as Assistant Professor, Associate Professor and Professor only, may be re-employed on contract appointment beyond the age of superannuation as applicable to the concerned University, College and Institution, upto the age of 70 years. Since the petitioner is having 44 years of experience and expertise in the field of teaching, he is eligible to continue till the end of 70 years of age as Principal.

6. Heard, the learned counsel appearing on either side.

7. On perusal of the counter filed by the third respondent and on hearing the submissions of the learned Standing Counsel appearing for the third respondent revealed that as per the Government order in GO.Ms.No.5 **Higher Education (H1) Department dated 11.01.2021, the UGC Regulations dated 18.07.2018 were adopted by the Syndicate on 12.02.2021 and accordingly, communications were issued to all the affiliated colleges.** Therefore, the petitioner is estopped from pleading ignorance. In fact, the petitioner did not even question the said Regulations which is the source of the Government order in GO.Ms.No.5 Higher Education (H1) Department dated 11.01.2021. Both the UGC Regulations and the Government order in GO.Ms.No.5 Higher Education (H1) Department dated 11.01.2021 fixed outer time limit to hold the post of Principal and every measure to bring about betterment in the field of education is viewed at larger extent such as improvement of quality and higher standards of education. **Therefore, it cannot be diluted at any cost. The Regulations of UGC dated 18.07.2018 clause V (B) prescribes the tenure of the Principal which is 5+5 years.**

8. As far as the petitioner in WP.No.2991 of 2024 is concerned, he had already completed 12 years as Principal which is more than the prescribed period of 10 years as prescribed by the UGC Regulations. **Therefore, he is not entitled to continue as Principal beyond the term prescribed under the Regulations.** It is relevant to extract UGC Regulations regarding eligibility and tenure of College Principal and Professor (Professor's Grade) hereunder:

A. Eligibility:

(i) Ph.D. degree

(ii) Professor/ Associate Professor with a total service/ experience of at least fifteen years of teaching/ research in Universities, Colleges and other institutions of higher education.

(iii) A minimum of 10 research publications in peerreviewed or UGC- listed journals.

(iv) A minimum of 110 Research Score as per Appendix, Table 2

B. Tenure

i) A College Principal shall be appointed for a period of five years, extendable for another term of five years on the basis of performance assessment by a Committee appointed by the University, constituted as per these regulations.

ii) After the completion of his/her term as Principal, the incumbent shall join back his/her parent organization with the designation as Professor and in the grade of the Professor."

9. Thus it is clear that it is also applicable to self financing colleges. Therefore, the specific contention raised by the learned Senior Counsel that the above Regulations are not binding on the

self financing college cannot be countenanced.

10. Insofar as the petitioner in WP.No.34738 of 2023 is concerned, he also approached this Court in WP.No.17645 of 2018 as against the order of rejection of the request made by the petitioner to increase the age limit to 65 years in consonance with GO.Ms.No.325 Higher Education(H1) Department dated 18.05.2003. It was dismissed by this Court by an order dated 27.11.2018 and aggrieved by the same, the petitioner preferred writ appeal in WA.No.1839 of 2019. It was disposed of with directions. In compliance of the directions, after considering the UGC Regulations and other norms, the request for increasing the age beyond 62 years for the post of Principal in self financing college was rejected and became final. Once again, the petitioner has sought for direction to permit him to continue as Principal till the age of 70 years in the first respondent college. Therefore it cannot be considered without challenging the earlier rejection order dated 23.12.2019 and the writ petition is liable to be dismissed.

11. That apart, as contended by the learned Senior Counsel, UGC Regulations would not aid the case of the petitioner as it pertains only to contract employment and not regular employment. Already the Trust of the first respondent filed writ petition in WP.No.14890 of 2019 challenging the proceedings citing UGC Regulations dated 18.07.2018 and this Court by an order dated 16.11.2021 dismissed the writ petition holding that in GO.Ms.No.325 Higher Education(H1) Department dated 18.05.2003, **the Government resolved to implement UGC guidelines and directed the Registrars of all the Universities and the Director of Collegiate Education to take necessary action whereby no retired teachers after the age of 62 years are appointed in any statutory or even non statutory position in Universities / Colleges based on the then existing Regulations of UGC.** Therefore, the direction sought for in the writ petition in WP.No.34738 of 2023 cannot be considered.

12. In view of the above, both the writ petitions are liable to be dismissed. Accordingly, both the writ petitions are dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

07.08.2024

Neutral Citation:Yes/No : Index: Yes/No Speaking/Non-speaking order

G.K.ILANTHIRAIYAN, J.

To (1) Kamban College of Arts and Science, Palladam – Pollachi Main Road, Sulthanpet, Sulur Taluk, Coimbatore District 641 669 (2) Dr.N.G.P.Arts and Science College, Dr.N.G.P. Kalapatti Road, Coimbatore District 641 048 (3) The Principal Secretary to Government, Higher Education(H1) Dept, Fort St.George, Chennai-9 (4) The Registrar, Bharathiar University, Coimbatore – 46 (5) The Director of Collegiate Education, Institute of Advance Study in Education Campus, 577, Anna Salai, Saidapet, Chennai 600 015

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