

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16670 of 2015

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1. Balmiki Singh, Survey Khalasi Son of Late Sukhdeo Singh R/o Village-Nagardih, P.S.-Kadirganj, District-Nawada.
2. Satendra Kumar, Peon, Rural Works Department, Works Divisional Rajauli, District-Nawada, Son of Sri Brahmdeo Ram Resident of Village-Nayabagi, P.O.-Hisua, P.S.-Hisua, District-Nawada.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Engineer-II, Rural Works Department, Government of Bihar, Bishweshwaraya Bhawan, Bailey Road, Patna.
2. The Superintending Engineer, Rural Works Department, Government of Bihar, Rural Works Circle, Gaya, District-Gaya, Near Officer of Prabhat Khabar, Gaya.
3. The Executive Engineer, Rural Works Department, Rural Works Division, Rajauli, District-Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shankar

For the Respondent/s : Mr. SC16- Abbas Haidar

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 18-12-2015

Annexure- 2 is the order, which is under challenge, in the present writ application. Contention of the counsel for the petitioners is that they are illegally and forcibly being made to superannuate even before they have reached 60 years of age. This violates their right even under Rule 73 of the Bihar Service Code.

The contention of the counsel is totally erroneous and unsustainable for the simple reason that the reason for order of superannuation passed against the two petitioners is that they have worked for 42 years under the respondent State authorities. There is an underlying principle that no person can be engaged or hired by the

State unless he/she is of 18 years of age. If the date of superannuation is taken as 60 years, which is prevalent as of today, then surely the petitioners have worked long enough to be now given an honorable farewell with a package of superannuation. The decision or reasons for passing of the order are cogent and valid and they do not require to be interfered with.

Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

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