

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16615 of 2012

Er. R.N.Sharma Son Of Late Sadhu Sharan Singh Chief Engineer (Retired) Of Bihar State Electricity Board, Presently Residing At Quarter No. New/ C4, B.S.E.B. Colony, Shastri Nagar, Patna 23

.... Petitioner/s

Versus

1. The Bihar State Electricity Board, A Corporate Body Constituted Under The Electricity (Supply Act), 1948 Having Its Registered Office At Vidyut Bhawan, Bailey Road, Patna, Through Its Chairman
2. The Secretary, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, P.S. Kotwali, Patna- 800001
3. The Joint Secretary, Bihar State Electricity Board, Null Vidyut Bhawan, P.S. Kotwali, Patna 800001

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Srinandan Prasad Singh
Mr. Ashok Kumar
For the Respondent/s : Mr. Vinay Kirti Singh

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 07-09-2015

07.09.2015 Heard learned counsel for the petitioner and counsel for the respondents.

Prayer of the petitioner is to give him the benefit of enhancement of retirement age from 58 years to 60 in terms of the resolution, dated 29th of March, 2005.

Respondents have taken a stand that the enhancement of age of retirement so far as Bihar State Electricity Board is concerned that has been brought into effect at a much later date after retirement of the petitioner. The plea of the petitioner that it was a unified

cadre and if the State of Jharkhand has enhanced the age of retirement that benefit should automatically accrue to the petitioner is misplaced because a conscious decision was required to be taken by Bihar State Electricity Board as to what should be the age of retirement.

If the petitioner does not come within the ambit of the said notification and superannuated prior to the same, he cannot derive benefit of enhanced age of retirement notionally only with the object of deriving enhanced pension.

Such a situation is not unique to the petitioner. There are many an employees who suffer such an impediment of enhanced age of retirement, because there will always be a class of people who superannuate prior to the date of notification.

Writ application has no merit. It is dismissed.

(Ajay Kumar Tripathi, J.)

SKM/-

U			
---	--	--	--