

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3491 of 2007

Padma Bai W/o Ramsewak Singh Thakur, Aged about 59 years, R/o
Dewan Para, Ward No.22, Rajnandgaon, C.G.

---- Petitioner

Versus

1. State of Chhattisgarh Through the Secretary, Department of Local Self Government, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. The Director, Department of Local Self Government, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
3. Municipal Corporation, Rajnandgaon, C.G. through its Commissioner

---- Respondents

For Petitioner	:	Shri Suresh Tandan, Advocate
For Respondents 1 & 2	:	Shri U. N. S. Deo, Govt. Advocate
For respondent No.3	:	Shri Anand Shukla, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

14/07/2015

The instant petition has been filed challenging the order dated 07.02.2007 (Annexure P-1), a notice by which the petitioner attaining the age of 60 years was ordered to be retired w.e.f. 30.06.2007.

2. Counsel for the petitioner submits that the age of retirement of the other employees of Municipal Corporation is 62 years and therefore the petitioner should be permitted to serve the respondents till he attains the age of 62 years. He further submits that the age of superannuation of the gang-men working in the State has been enhanced to 62 years and therefore the petitioner should also be given the said benefit.

3. However, State counsel has filed their reply along with notification dated 6th July, 1999 whereby it has been specifically stated that the age of superannuation of the teachers in Municipal Corporation shall be 62 years and for all other employees it shall be 60 years. State counsel further submits that in the instant case, Annexure P-1 shows that the petitioner has been ordered to be retired on attaining the age of 60 years and as such the petitioner has not made out any good case calling for any interference by this Court invoking the extra ordinary powers conferred upon it under Article 226

of the Constitution of India and prayed for dismissal of the petition.

4. Considering the total facts and circumstances of the case and also keeping in view the fact that on the date when the petitioner was retired, the actual age of retirement for the category of employees of which the petitioner was stood at 60 years and that the petitioner has not been able to produce any other evidence in his favour on account of which the relief sought for could be granted. In addition, the notification recited by the respondents also shows that the age of retirement was 60 years.

5. Thus, the present writ petition being devoid of merit deserves to be and is accordingly dismissed.

**Sd/-
(P Sam Koshy)
Judge**

Bhola