

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 837 of 2015**

1. Pradeep Rajeshwar Ganguwar s/o Late Shri R.S. Ganguwar Aged About 61 years and 11 months, R/o Payar Niwas Muktidham, Near Shiv Mandir, Rajiv Nagar, Durg, District Durg. C.G.
2. Yugal Kishore Gupta s/o Gorekh Nath Gupta Aged About 61 Years R/o 24/04 Civil Line Near Sai Mandir, Durg, District Durg (C.G.)

---- Petitioners**Versus**

1. State of Chhattisgarh Through The Secretary, Law & Legislative Department, Mantralaya New Raipur, P.S. Rakhi, District - Raipur (C.G.)
2. The Secretary Finance Department Mantralaya New Raipur P.S. Rakhi District Raipur (C.G.)
3. The Director Technical Education, Directorate, Girls Polytechnic Premises, Bairan Bazar, Raipur, District Raipur (C.G.)
4. The Principal Uday Prasad Uday Government Polytechnic Durg, District Durg (C.G.)

---- Respondents

For Petitioners	:	Shri Gautam Khetrapal, Advocate
For Respondents	:	Shri A.S. Gaharwar, Additional Advocate General

**HON'BLE SHRI NAVIN SINHA, ACTING CHIEF JUSTICE &
HON'BLE SHRI P.SAM KOSHY, J.**

Order On Board**Per NAVIN SINHA, ACTING C.J.****17/03/2015**

1. In the present writ application the Petitioners who are stated to be holding the post of Electrician and Lab Technician in the Government

Engineering College, Durg, seek enhancement of age for superannuation from 62 to 65 years.

2. Learned Counsel for the Petitioners submits that Rule 2 (ii) of the Chhattisgarh Shashkiya Sevak (Adhivarshiki-Ayu) (Sanshodhan) Adhiniyam, 2012 arbitrarily denies them the enhanced age of superannuation at 65 by restricting its application only to those engaged in 'classroom teaching'. It is submitted that this Court in Writ Petition(S) No.482 of 2014 and analogous Writ Petitions, on 13.1.2015 has considered a similar matter in which it was contended that persons like Petitioners also impart teaching through Workshop and Laboratory and teaching cannot be read as restricted exclusively to 'classroom teaching' only. The writ petition may be disposed in similar terms.

3. Learned Additional Advocate General submits that it remains a matter for examination by the authorities with regard to the nature of duties that may be discharged by the Petitioners and whether they would come within the ambit of the discussion in Writ Petition (S) No. 482 of 2014.

4. In Writ Petition (S) No.482 of 2014, this Court has already observed that the issue for enhancement of the age for superannuation is primarily for the employer to decide in accordance with law.

5. The writ petition is therefore disposed in similar terms by remanding the matter to the Department of Manpower Planning to take a final decision by a reasoned and speaking order with regard to the enhancement of age for superannuation of persons like the Petitioners in the light of the discussions contained in Writ Petition (S) No.482 of 2014.

6. Let such decision be taken expeditiously preferably within a

maximum period of four months from the date of receipt and/or presentation of a copy of this order.

7. The writ petition stands disposed.

Sd/-

ACTING CHIEF JUSTICE

Sd/-

JUDGE