

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 25487 of 2000

ORDER:

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Heard learned counsel for the petitioner, learned standing counsel for Osmania University appearing for the 1st respondent and learned Central Government standing counsel for the 4th respondent.

The case of the petitioner is that he joined as a Reader in Genetics, Department of Genetics, Osmania University (1st respondent) and later on promoted as a Professor in Genetics in the year 1991. It is alleged that the 1st respondent University was contemplating to retire the petitioner on his attaining the age of 60 years, as he was due to retire with effect from 31.12.2000. While so, the Government of India, Ministry of Human Resource Development (Department of Education, New Delhi (4th respondent) issued orders vide F1-22/97-U.I., dated 27.07.1998, revising the pay scales of Central Government employees on the recommendations of 5th Central Pay Commission. Clause (vi) of the said orders read that the age of superannuation of university and college teachers would be 62 years and thereafter no extension in service should be given, however, it will be open to a university or college to reemploy a superannuated teacher according to the existing guidelines framed by the UGC up to the age of 65 years. It is stated that in view of the said clause, the petitioner is entitled to be retained in service till he reached the age of 62 years. While things stood

thus, the 3rd respondent issued G.O.Ms.No.208, Higher Education (U.E.II.I) Department, dated 29.06.1999, revising the pay scales of State Government employees while retaining the retirement age at 58 years to the college teachers and 60 years to the University teachers, without taking into consideration the orders issued by the 4th respondent. Questioning the G.O. issued by the 3rd respondent, the present writ petition is filed.

At the time when the matter is taken up for hearing, it is brought to the notice of this Court by the counsel that an identical issue came up for consideration before the Apex Court in ***B.Bharat Kumar and others Vs. Osmania University and others***^[1] wherein the Apex Court, after referring to the rival contentions of the parties, dismissed a batch of civil appeals, holding that the State Government was not bound to raise the superannuation age in terms of the orders issued by the 4th respondent as the UGC scheme was a voluntary one. In other words, it was stated that it is not for the Court to prescribe the correct age of retirement, but being a policy decision requires consideration which can be properly viewed by the State Government or the State Legislature or the University concerned. The view taken by the Apex Court in the above case is the subject matter in the present writ petition.

In view of the above, this Court finds no merit in the Writ Petition and the same is accordingly dismissed. There shall be no order as to costs.

Consequently, miscellaneous petitions pending if any in

the writ petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

10th July, 2015
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[\[1\]](#) (2007) 11 SCC 58