

**THE HON'BLE SRI JUSTICE DILIP B.BHOSALE
AND
THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

WRIT APPEAL No.31 of 2007

JUDGMENT : (per Hon'ble Sri Justice Dilip B.Bhosale)

This Writ Appeal is directed against the order dated 26.04.2006, whereby Writ Petition No.2988 of 2006, filed by the appellants, came to be dismissed.

In the writ petition, appellants had challenged the letter dated 20.10.2005 issued by the 2nd respondent and prayed for allowing them to continue till attaining the age of '60' years. By communication letter dated 20.10.2005, the 2nd respondent rejected the appellants' representation seeking enhancement of superannuation age from '58' to '60' years of all class-IV employees, including the appellants, in view of Rule 21 of Staff Regulations, 1974, which provides that an employee shall retire from the service on his completing '58' years of age. Appellants and similarly placed employees of the Corporation are admittedly governed by the Staff Regulations, 1974. The appellants attained age of superannuation on 30.04.2006 and 31.12.2006 respectively. Just before their retirement, they filed W.P.No.2988 of 2006 with the aforementioned prayer. It is not in dispute that no interim order, at the stage of admission of the writ petition, was passed in the writ petition. This Court, however, on M.P.No.132/2007 filed by the appellants had directed the respondent-Corporation to continue the appellants by placing their names before the Board for considering their case, fitness and experience in the interest of justice.

Learned counsel appearing for the appellants, on instructions, submits that their case was considered and rejected by the Board. Learned counsel appearing for the appellants could not and did not place before us any rules/regulations governing the appellants

allowing them to continue till they attain the age
of '60' years.

In this backdrop and having considered the Regulations, in our
opinion, this writ appeal has rendered infructuous and dismissed as
such. No order as to costs.

Miscellaneous petitions pending in the appeal, if any, also stand
disposed of.

Dilip B.Bhosale, J

A.Ramalingeswara Rao, J

9th February, 2015.
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