

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1185 of 2016**

Bhagwati Prasad Verma aged about 60 years S/o Chobharam Worked as Parichalak at C.G. State Co-operative Dairy Federation Ltd. Urla P.S. BMY Charouda District Durg Chhattisgarh R/o village Kadul Sunder Nagar Raipur Chhattisgarh

---- **Petitioner****Versus**

1. State of Chhattisgarh through Secretary Department of Pashudhan Vikas Mahanadi Bhawan Mantralaya Naya Raipur Chhattisgarh
2. The Registrar Co-operative Societies Chhattisgarh H.Q. Head of the Department Building Block-B Second and Third floor Naya Raipur Chhattisgarh
3. Chhattisgarh State Co-operative Dairy Federation Ltd. Through its Managing Director Urla Post BMY Charouda District Durg Chhattisgarh

----**Respondents**

For Petitioner	: Mr. Neeraj Choubey, Advocate.
For Respondent/State	: Mr. Dhiraj Wankhede, Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****22/04/2016**

1. This writ petition has been filed against the notice dated 6.10.2015 (Annexure P/1) by which the Petitioner has been served with a notice of retirement on completion of age of superannuation i.e. 60 years with effect from 31.3.2016.
2. Learned Counsel for the Petitioner would submit that Petitioner is an employee of the Chhattisgarh State Co-operative Dairy Federation (Respondent No.3) and the age of superannuation should be 62 years as per Government Circular dated 26.8.2013 in the Chhattisgarh State Co-operative Dairy Federation.
3. The age of retirement/superannuation of employee working with Respondent No.3, Chhattisgarh State Co-operative Dairy Federation came to

be considered by this Court in batch of writ petitions including Writ Petition (S) No.5672 of 2014 (P.N. Upadhyay v. State of Chhattisgarh and others), in which, this Court has upheld the decision of Respondent No.3, Chhattisgarh State Co-operative Dairy Federation in its meeting dated 4.3.2014 and order dated 27.9.2014, not to enhance the age of superannuation to be 62 years and to continue the age of retirement to be 60 years and held as under:-

“25. The determination of above-stated question brings me to next question as to whether the order passed by respondent-Chhattisgarh Rajya Sahkari Dugdha Mahasangh Maryadit resolving and deciding to maintain the age of superannuation from 60 is justified?

26. Respondent-Chhattisgarh Rajya Sahkari Dugdha Mahasangh Maryadit is a body corporate duly established and constituted under Section 31 of the Act of 1960, has considered the order of the Registrar, Co-operative Societies in its proper prospective and has clearly reached into conclusion that on account of excessive and rising establishment expenses Dugdha Mahasandh decided to maintain the age of superannuation of the employees working in their Mahasandh to 60 years as it is an not to enhance the age of superannuation to be 62 years. It has already been held in foregoing paragraph and that enhancement in age of retirement is a matter of Executive policy and the petitioners have failed to demonstrate the arbitrariness and illegality in the order of the Registrar and Dugdha Mahasangh passed in this regard. I do not see any illegality either in the order of the Registrar or in the order rejecting representations, warranting interference by this Court in exercise of jurisdiction under Article 226/227 of the Constitution of India.”

4. Thus, the issue raised in this writ petition is identical with issue decided by this Court in P.N. Upadhyay (supra).
5. The writ petition deserves to be and is accordingly dismissed in terms of order passed in P.N. Upadhyay (supra).

Sd/-

(Sanjay K. Agrawal)
JUDGE