

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4344 of 2016**

Satish Nichols son of Late Shri J.V.Nichols, aged about 61 years, Presently posted as Librarian, Virangana Avanti Bai Lodhi Government College, Pathariya, District Mungeli, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh, Through the Secretary, Department of Higher Education, Mahanadi Bhawan, Mantralaya, Naya Raipur, Chhattisgarh.
2. Commissioner, Directorate of Higher Education, Government Science College Campus, Raipur, District Raipur, Chhattisgarh.
3. Principal, Virangana Avanti Bai Lodhi Government College, Pathariya, District Mungeli, Chhattisgarh.

---- Respondents

For Petitioner : Shri Amrito Das, Advocate.

For Respondent/State : Shri Prafull N Bharat, Additional Advocate General.

Hon'ble Shri Deepak Gupta, Chief Justice

Hon'ble Shri P. Sam Koshy, J

Order on Board**Per Deepak Gupta, Chief Justice****01/09/2016**

1. Learned Counsel for the parties agree that this matter is squarely covered by the judgment delivered on 09.12.2014 in Writ Petition (S) No. 76 of 2016 and other connected matters.
2. The issue involved in this petition is with regard to the age of superannuation. This Court has disposed of the earlier petitions with the following directions:

"8. The age of superannuation is a matter primarily for the employer to decide unless the exercise of that power is assailed as having not been done in accordance with law or arbitrarily. In the present case, the stage for that assessment has not been reached as yet as the grounds assail the amendment is not supported by necessary facts and pleadings.

9. The Court is therefore not inclined at this stage to test the validity of the amendment and leaves it open for the Petitioners to represent before the concerned authority of the State Government inviting their attention to the anomalies by supporting facts and data. If such representation is filed, it is expected to be considered expeditiously in accordance with law without being prejudiced by our reluctance for reasons specified to entertain the challenge to the validity of the legislation at this stage.

10. The issue for enhancement of the age for superannuation has an inherent urgency. The State Government is therefore directed to decide the same within a maximum period of three months from the date of receipt and/or production of a certified copy of this order alongwith such representation."

3. This case is also disposed of with the same directions. It is however further ordered that representation, if any shall be made by the Petitioner within a period of four weeks from today and the same shall be decided by the Respondent No. 1- Secretary, Department of Higher Education, Government of Chhattisgarh, within a period of three months thereafter.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE

Sd/-
(P Sam Koshy)
Judge