

**THE HON'BLE SRI JUSTICE S.V.BHATT**

**WRIT PETITION No.27577 of 2009**

**ORDER:**

Heard learned counsel for the parties.

2. Petitioner complains against the action of the respondents in not paying retirement benefits to him till 31.07.2002 as illegal, arbitrary and unconstitutional.

3. On 02.07.2010, this Court passed the following interim order:

“Counter filed.

In the teeth of the orders passed in WP.Nos.17426 of 2006 and 23109 of 2002 dated 20.2.2008, which reads:

“The counter affidavit filed on behalf of R-1 indicates that the proceeding dated 7.11.2002 is preceded by an enquiry, wherein the petitioner has been permitted to participate. It is explicit from the enquiry report that the date of birth of the petitioner is 15.7.1942. The petitioner having participated in the enquiry, cannot be permitted to contend that the correction of date of birth in the Service Register is arbitrary. Since the petitioner continued in service by virtue of the interim orders passed by this Court, the said service rendered by him cannot be counted for any purpose. However, the petitioner is not liable to return the salary received by him for the period he worked from 31.7.2002 to 31.7.2006.

Accordingly, both the writ petitions are disposed of with the above observations, upholding the proceedings issued by the third respondent, dated 7.11.2002. The petitioner is not liable to return the salary received by him for the period he worked from 31.7.2002 to 31.7.2006.”

The respondents are directed to pay the retirement benefits to the petitioner till the date of his superannuation i.e. 31.7.2002 as per his eligibility and complete the process within a period of six weeks from the date of receipt of this order.

The WPMP is accordingly disposed of.”

4. Having regard to the interim order granted on 02.07.2010, no further order is necessary.

The writ petition is disposed of accordingly. As a sequel,

the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

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S. V. BHATT, J

April 18, 2016  
DSK