

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.68 of 2017

IN

Civil Writ Jurisdiction Case No. 8253 of 2007

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Siya Ram Singh, Son of Late Sheetal Singh, resident of Village + P.O.- Amari
Nawada, P.S.- Bihian, District Bhojpur.

.... Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. Director General- cum- Inspector General of Police, Bihar, Patna.
3. Additional Director General of Police, Military Police, Bihar, Patna.
4. D.I.G. of Police, Military Police, Central Zone, Patna.
5. Commandant, B.M.P.-3, Bodh Gaya, Gaya.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ram Hriday Prasad, Advocate

For the Respondent/s : Mr. Prabhat Kumar Verma, AAG-3

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 13-11-2017

Against the order which was passed on 06.03.2012 in

C.W.J.C. No. 8253 of 2007, the petitioner has filed this appeal.

The petitioner by filing the writ petition, bearing C.W.J.C. No. 8253 of 2007 claimed two reliefs; first relief was that treating his date of birth to be 01.07.1947, he should be retired on (30.06.), the date he attained the age of superannuation, and further he also pointed out that by the resolution passed on 24.03.2005, by which the age of superannuation of the employees have been increased from 58 to 60 years, and while considering the prayer in the case of Ram



Nath Singh Vs. The State of Bihar and Ors. (C.W.J.C. No. 7446 of 2005, Annexure-4 to the writ petition) on 29.08.2006 after relying upon various decisions including the case of Baban Singh Vs. The State of Bihar and Ors. (2006 (1) PLJR 201) relief has been granted by holding that the employees are entitled to retire at the age of 60 years.

It is canvassed that even though benefit of retiring on 30th June of the year has been granted to the petitioner, but the subsequent relief of permitting him to work upto 60 years has not been granted, even though the prayer was made in this regard.

Inviting our attention to the orders passed by the Co-ordinate Bench of this Court in L.P.A. No. 1667 of 2012 and L.P.A. No. 310 of 2013 on 23.02.2016, learned counsel submitted that the employees are entitled to work upto the age of 60 years in terms of the amendment made to Sub-clause (1) of Rule 97 of the Rules.

Taking note of the totality of the circumstances, we find that the petitioner, even though not specifically prayed for the said relief, but in para 8 of the memo of appeal, the said prayer was made and denying the said prayer, which has been granted to various employees in view of the order passed in L.P.A. No. 1667 of 2012 and L.P.A. No. 310 of 2013, the error has been committed.

Accordingly, we direct that the petitioner be deemed



to have retired at the age of 60 years w.e.f. 30.06.2007 and treating him to have retired on the said date, the arrears of salary and other monetary benefits, including re-fixation of pension, be granted to him within 60 days.

With the aforesaid observation, this appeal stands allowed and disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.11.2017
Transmission Date	NA

