

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16946 of 2008

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Birendra Prasad Sharma, son of Sri Surat Sharma, resident of village Saristabad,
P.O. Anisabad, P.S. Gardanibagh, District Patna

.... Petitioner/s

Versus

1. Bihar State Construction Corporation through its Managing Director, Anisabad, Patna
2. Managing Director, Bihar State Construction Corporation Anisabad, Patna
3. Managing Director Bihar State Beverage Corporation Limited Sone Bhawan 5th Floor, Birchand Patel Path, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kr.Jha 2

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL JUDGMENT
Date: 21-03-2017

1. Heard Sri Dharendra Kumar Jha No. 2 , learned counsel for the petitioner. None appeared on behalf of the respondents /Bihar State Construction Corporation.

2. The petitioner, had approached this Court invoking its writ jurisdiction under Article 226 of the Constitution of India, with a prayer to direct the respondents to enhance the age of retirement of the petitioner from 58 years to 60 years.

3. As pleaded, the petitioner was appointed in the Bihar State Construction Corporation (hereinafter referred to as “Construction Corporation”) , however subsequently since there was financial crunch in the Construction Corporation the petitioner was



accommodated in the Bihar State Beverages Corporation Ltd. While he was functioning in the said capacity, the State Government came out with a decision to enhance the age of superannuation of its employees from 58 years to 60 years. It has been pleaded that in similar circumstances even in case of employees of the Construction Corporation this Court had allowed the prayer for enhancement of the age of retirement from 58 years to 60 years. In similar circumstance the petitioner also claimed before this Court for enhancing the age of retirement. Considering number of other cases decided by this Court a Bench of this Court on 30.1.2009 passed an interim order whereby it was directed that until further orders the petitioner shall continue in employment till he attains the age of 60 years. This order was passed in the year 2009. As per own pleading of the petitioner as per his date of birth he was to superannuate after attaining 58 years of age with effect from 31.1.2009. Since just one day prior to his superannuation as per age of 58 years a Bench of this court had directed to allow the petitioner to continue in the same capacity till attaining the age of 60 years and the matter remained pending for such a long time and during that period the petitioner has attained the age of 60 years, the Court is of the opinion that now there is no need to pass any further order. However, it is clarified that since petitioner has continued in service till attaining the age of 60 years as per interim order passed



by this Court, the authority concerned shall not take any adverse action against the petitioner.

4. The writ petition with above observation stands disposed of.

(Rakesh Kumar, J)

Praful/-

AFR/NAFR	NAFR
CAV DATE	NA
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