

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5656 of 2008

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Urmila Devi, wife of Late Bhubneshwar Sharma, resident of Village Sunderpur
Post Baha Chauki, P.S. Dharhara, District Munger

.... Petitioner

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, Water Resources Department, Bihar, Patna.
2. The Managing Director, Bihar State Construction Corporation Ltd. (an Undertaking Unit of Govt. of Bihar), Patna.
3. The Director, Welfare Department, I.C.D.S. Directorate
4. The Child Development Officer, Warsaliganj, Nawadah

.... Respondents

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Appearance :

For the Petitioner : Mr. Amaresh Kumar
Mr. Bijay Kumar Pandey, Advocate
For the Respondents : Mr. Brajesh Kumar, AC to AAG 4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 02-08-2017

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The present writ petition has been filed for quashing letter no. 116 dated 19.01.2008 (Annexure-2) which has been passed pursuant to the letter no. 66 dated 04.01.2008 (Annexure-1) directing that the petitioner be relieved two days prior to superannuation at 58 years of age.

3. Learned counsel for the petitioner submits that age of superannuation of the employee has been enhanced from 58 to 60 years of age and the petitioner is entitled to the benefit of the same. Similarly situated persons, Navin Kumar, Gopal Prasad and Manavendra Prasad Yadav have been granted such benefits in terms of



the orders contained in Memo No. 2266 dated 26.05.2015 and Memo No. 733 dated 14.03.2016 Annexures 1 and 2 of the supplementary affidavit.

4. Learned counsel for the respondents fairly accepts that the case of the petitioner would be covered by the order of the Apex Court passed in SLP (C) No. 5567 of 2012 affirming the decision of the learned Single Judge in CWJC No. 13398 of 2008. It is also accepted that similarly situated persons, namely, Navin Kumar, Gopal Prasad and Manavendra Prasad Yadav have been granted the benefit of enhancement of age of superannuation.

5. Having regard to the stand of the parties, the writ petition stands allowed. The impugned orders passed by the respondents contained in letter no. 116 dated 19.01.2008 (Annexure-2) read with letter no. 66 dated 04.01.2008 (Annexure-1) are accordingly set aside with consequential benefits. The respondents shall proceed in the matter accordingly and make payment of the amount due to the petitioner within a period of two months from the date of receipt/production of a copy of this judgment.

(Vikash Jain, J)

B.T/Ibrar

AFR/NAFR	NAFR
CAV DATE	N.A.
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