

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4278 of 2007**

1. Bharatlal Singh Thakur S/o Late Ganga Singh, Aged about 60 years, Retired Branch Manager, District Co-Operative Central Bank Ltd. Durg C.G., Branch Thankhamaria.
2. Shiv Ratan Singh Thakur S/o. Ramayan Prasad, Retired Branch Manager, District. Co-Operative Central Bank Ltd. Durg(C.G), Branch Nandghat.
3. Lakhanlal Sinha S/o. Late Jikrakhanlal, Retired Assistant Accountant, District Co-Operative Central Bank Ltd.Durg (C.G), Brancha Supela (C.G)
4. Banke Singh Thakur Retired Supervisor, District. Co-Operative Central Bank Ltd.Durg (C.G), Branch Berla.
5. Dhruv Narayan Sharma S/o. Shri Khilawan Prasa, Retired Supervisor, District. Co-Operative Central Bank Ltd. Durg (C.G),branch. Ahirwara.
6. Gayaram Dewangan S/o. Govindram, Retired Lampus Manager , District Co-Operative Central Bank Ltd. Durg (C.G), Branch Jamgaon (M)
7. Girdharlal Deshmukh S./o. Late Chhoturam, Retired Staistic Officer, District Co-Operative Central Bank Ltd. Durg (C.G), Head Office Durg.
8. Abhayram Thakur S/o. Late Johrikram, Retired Branch Manager, District Co-Operative Central Bank Ltd. Durg (C.G), Brancha Jamagaon (M)
9. Keshoram Verma S/o. Dwarika Prasad, Retired Supervisor, District. Co-Operative Central Bank Ltd. Durg (C.G),
- 10.Murliram Chandrakar, S/o. Mangluram Retired Branch Manager, District. Co-Operative Central Bank Ltd. Durg (C.G), Branch Bhilai Sector -9.

All Residents Of District Co-Operative Central Bank Ltd. Durg, Retired Employee Association Durg

---- **Petitioner**

Versus

1. Registrar, Co-operative Societies Chhattisgarh, Raipur.
2. General Manager District Co-Operative Central Bank Ltd. Durg (C.G)
3. Manager District Co-Operative Central Bank Ltd., Durg (C.G)
4. President District Co-Operative Central Bank Ltd., Durg (C.G)
5. Collector Durg (C.G)

---- Respondent

And

WPS No. 6656 Of 2007

1. Sunder Lal Chandrakar S/o Late Vishnu Prasad Chandrakar, Aged about 59 years, Retired Branch Manager, District Co-Operative Central Bank Ltd. Drug C.G., Branch Dhamdha.
2. Nanak Ram Agrawal S/o Late Ranmat Singh Retired Assistant Accountant District Co-Operative Central Bank Ltd Durg Cg Branch Selud
3. Kodu Ram S/o Manrakhan Lal Retired Assistant Chief Supervisor District Co-Operative Central Bank Ltd Durg Cg Branch Bemetara
4. Maya Das Manikpur S/o Santu Das Retired Samiti Manager District Co-Operative Central Bank Ltd Durg Cg Branch Navagarh
5. Chaitram Singour S/o Shri Shivnandan Singh Retired Supervisor District Co-Operative Central Bank Ltd Durg Cg Branch Selud
6. Sukaloram Sinha S/o Shri Kodu Ram Retired Samiti Manager District Co-Operative Central Bank Ltd Durg Cg Branch Devri
7. B.R. Srivas S/o Shri Photkuram Retired Branch Manager District Co-Operative Central Bank Ltd Durg Cg Branch Dhamdha
8. Vishnu Prasad Kashyap S/o Shri Laxamn Prasad Retired Branch Manager District Co-Operative Central Bank Ltd Durg Cg Branch Saja
9. Narayan Prasad Yadav S/o Shri Firtu Ram Retired Supervisor District Co-Operative Central Bank Ltd Durg Cg Branch Arjunda
10. Chhabilal Sahu S/o Shri Kanhaiya Lal Retired Supervisor District Co-Operative Central Bank Ltd Durg Cg Branch Jamgaon M
11. Vishnu Ram Sahu S/o Shri Ramau Ram Retired Samiti Manager District Co-Operative Central Bank Ltd Durg Cg Branch Patan
12. Ramji Patel S/o Shri Rambharosa Retired Supervisor District Co-Operative Central Bank Ltd Durg Cg Branch Patan
13. Guharam Deshmukh S/o Shri Govind Prasad Retired Incharge Branch Manager District Co-Operative Central Bank Ltd Durg Cg Branch Dallirajhara
14. Suklal Nirmalkar S/o Shri Dhruv Ram Retired Supervisor District Co-Operative Central Bank Ltd Durg Cg Branch Devri
15. Vindo Kumar Agrawal S/o Late Laxmi Prasad Retired Assistant Accountant District Co-Operative Central Bank Ltd Durg Cg Branch Than Khamhariya
16. Janak Lal Sahu S/o Late Mangluram Retired Branch Manager District Co-

Operative Central Bank Ltd Durg Cg Branch Dadui

17. Shiv Prasad Sahu S/o Shri Mansha Ram Sahu Retired Assistant Chief Supervisor District Co-Operative Central Bank Ltd Durg Cg Branch Balod
18. Ramcharan Sahu S/o Shri Ledguram Retired Samiti Manager District Co-Operative Central Bank Ltd Durg Cg Branch Gunderdehi
19. Durga Prasad Tamrakar S/o Shri Toranlal Retired Supervisor District Co-Operative Central Bank Ltd Durg Cg Branch Durg
20. Madhav Prasad Kashyap S/o Shri Khubiram Kashyap Retired Assistant Accountant District Co-Operative Central Bank Ltd Durg Cg Branch Jamgaon R

---- **Petitioner**

Vs

1. Registrar Co-Operative Societies, Chhattisgarh Raipur, C.G.
2. General Manager District Co-Operative Central Bank Ltd Durg Cg
3. Manager District Co-Operative Central Bank Ltd Durg Cg
4. President District Co-Operative Central Bank Ltd Durg Cg
5. Collector Durg Cg

---- **Respondent**

For Petitioners	:	Shri Robin Ubwani, Advocate
For Respondents-State	:	Shri Shashank Thakur, GA with Shri Arvind Dubey, PL for the State
For Respondent-Bank	:	Shri NK Malviya, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

15/05/2017

1. Petitioners are former employees of District Co-Operative Central Bank Ltd Durg. The Registrar, Co-Operative Societies, Chhattisgarh issued an order on 10.09.2004 amending Rule 72 of the Zila Sahakari Kendriya Bankon Ke Karamcharityo Ki Seva Nivratti Niyam, reducing

the age of superannuation from 60 to 58 years for all the employees except watchman, Jamadar, Peon and Gardner, who shall retire at the age of 60 years. In accordance with the said order, petitioners were retired w.e.f. 31.10.2005 as on that date they had already attained the age of 58 years. At that time, the petitioners did not move any writ petition, however, on 28.12.2006 the Registrar again enhanced the age of superannuation from 58 years to 60, therefore, the petitioners have preferred the present writ petitions on the plea that for some employees the age of superannuation has been fixed at 58 years and for others who had not completed the age of 58 years of age on 28.12.2006, they were allowed to continue till the age of 60 years, therefore, the Registrar has discriminated amongst two sets of employees who are similarly placed.

2. After hearing learned counsel for the parties, this Court is not impressed with the arguments firstly because the order dated 10.09.2004 by virtue of which the petitioners have retired on attaining the age of 58 years, has not been assailed in the writ petition and secondly, the Registrar having legislative power to affect amendment in the service rules of the employees of the District Co-Operative Central Bank Ltd Durg, it has power to reduce or enhance the age of superannuation, therefore, when such power is exercised at a given point of time, the employees adversely affected should not be entitled to raise a plea that some other employees working with them on the same post will get benefit of serving for a longer period. In any case, even on the plea of violation of Article 14 of the Constitution of India,

the petitioner could have assailed the order Annexure P-1, however, since no relief for quashing Annexure P-1 has been prayed for, it is not open for this Court to examine the validity of the order.

3. For the above said reasons, both the writ petitions are dismissed, however, liberty is reserved in favour of the petitioners to move representation for settlement of their retiral dues, if the same has not yet been completed.

Sd/-

Judge

Prashant Kumar Mishra

Ashu