

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10854 of 2009

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1. Ramesh Pandey, son of late Jaganath Pandey, resident of Village + P.O. Nagpur, P.S. Rajpur, Dist. Buxar, at presently residing at Mohalla Gaurakchani, Nalapar, Gali No. 10U, P.O. + P.S. Sasaram, Dist. Rohtas.
 2. Vishwa Nath Prasad, son of Vasudeo Singh, resident of Village + P.O. Bhuapar, P.S. Bakhtiyarpur, Dist. Patna.

.... Petitioner/s

Versus

1. The Bihar State Food & Civil Supplies Corporation Limited through its Managing Director, Sone Bhawan, Veer Chand Patel Path, Patna.
2. The Managing Director, Bihar State Food and Civil Supplies Cororation Limited, Sone Bhawan, Veer Chand Patel Path, Patna.
3. Chief Administration, Headquarters, Bihar State Food and Civil Supplies Corporation Limited, Sone Bhawan, Veer Chand Patel Path, Patna.
4. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, Sone Bhawan, Sone Bhawan, Veer Chand Patel Path, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anshuman

Mr. Ramanuj Tiwary

For the BSFC : Mr. Shailendra Kr. Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 24-01-2018

Heard learned counsel for the petitioners and counsel for the Bihar State Food and Civil Supplies Corporation.

In the present case, a claim has been made by the petitioners that they have wrongly superannuated the petitioners from service as they should have been allowed to continue in service up to the age of 60 years.

The petitioners were employees of the Corporation. As per service condition, the employee has to superannuate at the age of 58 years like the employee of the State of Bihar. The State of Bihar has



amended Rule 73 of the Bihar Service Code, thereby the age of superannuation has been enhanced up to 60 years. The Corporation has refused to extend the benefit of 60 years. Lala Nand Kumar and other similarly situated persons have approached this Court by filing different writ applications which could not survive, the matter carried to the Division Bench and the Division Bench has interpreted the Bihar Service Code vis-à-vis the resolution of the Corporation and has granted the benefit by holding that the age of superannuation of an employee will be 60 years. As per learned counsel for the Corporation, this order has been affirmed by the Hon'ble Apex Court. In that view of the matter, the entire employees who are/were working on the cut-off date will be entitled to the benefit of age of superannuation of 60 years.

There is no dispute that the case of the present petitioners is identical to the case of Lala Nand Kumar and others and, in that view of the matter, the benefit must also be extended to the present petitioners and it will be treated that the petitioners will superannuate from the service at the age of 60 years. Though the petitioners have been made to superannuate at the age of 58 years, the only question is with regard to monetary benefit of two years. As the petitioners have wrongly been not allowed to work in the Corporation after the age of 58 years, in that view of the matter, the petitioners will be entitled to



salary for the two years i.e. from 58 to 60 years including all incidental benefit.

Let the Corporation pay salary of two years, if not already paid, and also they should be given the retrial benefit treating the age of retirement to be 60 years.

With the aforementioned observation and direction, this writ application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.02.2018
Transmission Date	NA

