

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12545 of 2017

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1. Raj Mohar Singh, S/o Late Ramcharitar Singh, R/o Village+P.O.- Kalupakar, P.S.- Phenhara, District- West Champaran, Presently residing at Amit Kumar, C/o Rajmohar Singh, Sarmjivi Colony, Panchwati Nagar, Bahadurpur, Bazar Samiti, Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Urban Development Department, Bihar, Patna.
3. Patna Municipal Corporation through Town Commissioner, Maurya Lok Complex, Budhmarg, Patna.
4. The Town Commissioner, Patna Municipal Corporation, Maurya Lok Complex, Budhmarg, Patna.
5. The Executive Officer, Patna Municipal Corporation, Bankipur Anchal, Ambedkar Bhawan, Rajendra Nagar, Patna-16.
6. Additional Town Commissioner (Establishment), Patna Municipal Corporation, Maurya Lok Complex, Budhmarg, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Respondent/s : Mr. Subhash Pd. Singh-Ga3

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-04-2018

The prayer of the writ petitioner in the present case is for directing the respondents to superannuate the petitioner upon completion of 60 yrs. of age i.e. on 01.01.2019 and not w.e.f. 30.09.2017 which is the purported date of completion of his 42 years of service.

At the outset, the learned counsel for the parties are in agreement that according to the scheme in operation, a person has to be retired/ superannuated from service, either upon completion of 42 years of service or upon attaining the age of 60



years, whichever is earlier.

The learned counsel for the petitioner submits that the petitioner had joined services on 01.08.1978 and therefore, he had completed 42 years of his service in the year 2020, however his date of birth being 01.01.1959, he ought to have been superannuated upon completion of 60 years i.e. on 01.01.2019 in view of the fact that he has attained the age of 60 years prior to completion of 42 years of service.

The learned counsel for the Corporation has referred to the decision of the Corporation dated 03.08.2017 to contend that the date of entry of the petitioner in service has been mentioned as 08.09.1975 in the service book of the petitioner herein, hence the petitioner has been superannuated after completion of 42 years on 30.09.2017.

Having regard to the rival contentions made by the respective parties, I am of the opinion that the disputed questions of facts cannot be adjudicated by a writ court, hence it would be appropriate to direct the respondent no. 4 to look into the matter and after obtaining evidence from the respective parties, pass a reasoned and speaking order after giving an opportunity of hearing to the petitioner. The aforesaid decision regarding the service tenure of the petitioner in terms of his date of birth/



completed years of service shall be taken within a period of eight weeks from today.

The writ petition is disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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