

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6994 of 2018

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Ram Chandar Ram @ Ram Chandra Ram Son of late Rameshwar Ram Resident of
Village- Sitarampur, P.O. +P.S. Sultanganj, District- Bhagalpur.

.... Petitioner/s

Versus

1. The Bihar State Power Transmission Company Ltd., Bihar, Patna.
2. The Executive Engineer, Electric Conductor Division, Bhagalpur, District-
Bhagalpur.
3. The Superintendent Engineer, Bhagalpur, District- Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shadanand Mishra, Advocate Mr. Dhananjay Kumar Gupta, Advocate
For the Respondent/s	:	Mr. Vinay Kirti Singh, Sr. Advocate Mr. Vijay Kumar Verma, Advocate
For BSPT	:	Mr. Akhileshwar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 27-07-2018

Heard the parties.

In the present case, the petitioner is seeking relief against the proposed superannuation from service which will take effect from 31.08.2018.

The petitioner has entered into service in the year 1984 on the basis of certificate issued by Civil Assistant Surgeon, Sultanganj in which his date of birth was recorded as 29.11.1962 but later on he was asked to appear before the Medical Board on 21.08.1999 before Medical Board and Medical Board has ascertained the age of the



petitioner between 40 to 42 years average 41 years.

Learned counsel for the petitioner submits that as per the date of birth recorded in the service book he has still to work for four years more but he has been deprived from the service before four years and it is pre mature and forceful retirement of the petitioner.

Counsel for the Power Holding Company submits that notice of superannuation has been given to the petitioner on the basis of age ascertained by the Medical Board in the year 1999, which was never challenged before any court of law. Mere filing of a representation will not cure the defects of delay and latches.

Learned counsel for the petitioner submits that still the same date of birth is standing in the service book as no proper correction in the service book has been made and in terms of date of birth mentioned in the service book he will continue to work four years more.

To resolve the dispute, this Court directs the Power Holding Company to constitute a fresh Medical Board and petitioner will appear before the Medical Board and age of superannuation will be decided on the basis of the report submitted by the Medical Board. Process of ascertainment of age will be completed within a period of three weeks from the date of receipt/production of a copy of this order.



With the aforesaid observations and directions this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/Sunny

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.07.2018
Transmission Date	NA

