

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 1931 of 2008**

Bismat Bai widow of late Shri Anand, aged about 60 years, Caste Satnami, working as permanent Gangman, resident of village Bhoring, PS Tumgaon, Tahsil and District Mahasamund (CG)

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, Water Resources, DKS Bhawan, Raipur (CG)
2. The Engineer in Chief, Water Resources Department, Raipur (CG)
3. The Sub Divisional Officer, Water Resources Department, Kodar, Mahasamund (CG)
4. The Executive Engineer, Water Resources Department, Mahasamund (CG)

---- Respondents

For Petitioner	:	Shri V. K. Pandey, Advocate
For Respondent/State	:	Ms. Astha Shukla, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****25/07/2018**

The order under challenge in the present writ petition is to Annexure P-1 dated 14.03.2008 whereby the respondents have issued a notice to the petitioner intimating him that he would stand retired from service on 24.03.2008 on attaining the age of 60.

2. According to the counsel for the petitioner, the petitioner being a permanent Gangman with the respondents, the age of superannuation applicable upon the petitioner was the same that was applicable upon the State Govt. employees i.e. as per the provision of Fundamental Rule 56.

He submits that the issue involved in the present case already stands decided by this Court in the case of **Govind and others Vs. State of CG and others** reported in 2007 (2) C.G.L.J. 29 decided on 4th of January, 2007 and the case of the petitioner is identically placed, therefore, the petition also deserves to be allowed and the petitioner may be granted the consequential benefits.

3. State counsel, on verification of the facts of the petition, submits that prima facie it appears that the case of the petitioner is squarely covered by the decision of this Court in the case of Govind (supra).

4. In view of the fact that the issue involved in the present case has already been decided by this Court which by efflux of time has attained finality and the respondents have also implemented, this Court does not see any good reason for denying the same benefit to the petitioner.

5. Accordingly, the present writ petition deserves to be and is accordingly allowed. The impugned notice dated 14.03.2008 Annexure P-1 stands set aside/quashed. As a consequence, the petitioner would be treated as in employment till 30th of March, 2010. That for the intervening period, the petitioner would be entitled for all consequential benefits minus any pension if paid for the said period to the petitioner. The petitioner would also be entitled for the consequential reliefs so far as the retiral benefits which he would have got had he retired normally in the year 2010 on attaining the age of 62.

6. The petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
JUDGE