

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2425 of 2008

K.R. Verma, S/o. Late Shri Bholaaram Verma, Aged about 59 years, Head Clerk/Accountant, Seth Ratan Chand Surana Arts/Science College Durg, District Durg Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Higher Education, D.K.S. Bhawan, Mantralaya, Raipur, District Raipur, Chhattisgarh
2. Directorate of Higher Education, through: Commissioner, Government Science College Campus, Raipur, Chhattisgarh
3. Principal, Seth Ratan Chand Surana Arts/Science College Durg, District Durg Chhattisgarh
4. R.K. Upadhyay, Principal, Seth Ratan Chand Surana Arts & Science College, Durg, District Durg Chhattisgarh

---Respondents

For Petitioner	:	Mr. Anup Majumdar, Advocate
For State	:	Mr. S.P. Kale, Dy. A.G.
For Respondents No.3 & 4	:	Mr. Manish Upadhyay, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

21/06/2018

1. The grievance of the petitioner in the present writ petition is that respondents ought to have retired the petitioner at the age of 62 instead of 60.
2. The facts leading to the present writ petition is that the petitioner was working as an Accountant/Head Clerk in the Seth Ratan Chand Surana Arts/Science College, Durg. The said institution was a private college receiving 100% grant in aid; as such it was a government aided college. The service condition applicable to the present petitioner was the ***Chhattisgarh Ashaskiya Shikshan Sanstha (Adhyapako Tatha Karmcharyo ke Bharti) Niyam, 1979.***
3. The petitioner was appointed on the post of Head Clerk/Accountant in the year 1981. The petitioner was served with the notice of retirement on

15.04.2008 intimating that the petitioner would stand superannuated w.e.f. 31.07.2008. It is on receipt of the said notice of retirement that the petitioner has filed the present writ petition.

4. The contention of the petitioner is that the government on 03.10.1974 (Annexure P/3) had issued a circular, whereby the age of superannuation of the clerks and employees of the School Education Department have been enhanced from 60 to 62 years and therefore the petitioner has sought for a relief of a similar direction enabling the petitioner also to continue in employment till he attains the age of 62.
5. According to the counsel for the petitioner the said circular dated 03.10.1974 has not been superseded nor has been amended at any point of time and the said still holds the field, therefore, the petitioner was also entitled for the age of superannuation to be that of 62 instead of 60.
6. Per contra, the counsel for the State opposing the petition submits that it is a case where the age of retirement of the government employees also, except for the teaching staff of the schools and the colleges, was 60 and therefore the petitioner, who was also a non-teaching staff of a college cannot claim for age of retirement of 62, whereas it could only be 60 at par with the government employees.
7. He further submits that the circular dated 09.12.1974 regarding the age of retirement would not be applicable so far as the respondents No.3 & 4 are concerned for the simple reason that the said circular would be applicable only in respect of those employees, who are working in the primary and middle schools under the School Education Department and the same cannot be made applicable for the employees working in the college.

8. Having heard the contentions put forth on either side and on perusal of record, what is undisputed is that on the date of superannuation of the petitioner i.e. on 31.07.2008, the age of superannuation of the government employees on the same post also was 60 years. The State Government had only enhanced the age of retirement of the teaching staffs of the schools and colleges to 62 and not of any other category. The petitioner who was working as Accountant/Head Clerk cannot be equated with a teaching staff nor could the petitioner be given a benefit which was not being extended to a government employees similarly placed.
9. Given the aforesaid facts, since the age of retirement of the government employees (other than teaching staff) also at the relevant point of time was 60 years and that the institution being an aided institution, the employees could not be given any benefit what is otherwise not being provided to a similarly placed government employees.
10. For the aforesaid reasons, this Court does not find any merit in the present writ petition; the same deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge