

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1028 of 2016

Shiv Shankar Singh Son of Late Chhatrapati Singh resident of village and
P.O. Simri, P.S. Bihta, District - Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through its Cane Secretary, Cane Development Department, Govt. of Bihar, Patna
2. The Bihar State Sugar Corporation Limited through its Managing Director, New Secretariate, Patna 80
3. The Cane Commissioner - Cum - the Managing Director, Bihar State Sugar Corporation Limited, New Se

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Prem Kumar Jha
For the State	:	Mr. Ramadhar Singh, GP 25
		Mr. Upendra Pd. Singh, AC to GP 25
For Res. 2 & 3	:	Mr. Gyan Shankar

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 27-02-2019 Heard learned Counsel for the petitioner and the
learned Counsel for the respondent Corporation.

The petitioner's date of superannuation was 31.7.2007. The age of superannuation was extended from 58 years to 60 years in terms of the office order of the respondent Corporation dated 6.8.2009. The petitioner's age of superannuation was extended and he was considered as in service up till 31.7.2009. When the office order was issued, claim of the petitioner for enhancement of the age of superannuation was pending in the proceedings arising out of CWJC No. 17313 of 2008. Taking note of the fact that under



office order dated 6.8.2009 age of superannuation of the petitioner had been enhanced the writ court had disposed of the petitioner's writ petition by recording as follows:-

“However, in the hope that the respondent-State would realize their legal responsibility in this regard and in view of the fact that the Managing Director has issued office orders extending the age of superannuation of the two writ petitioners to 60 years, the rule in contempt matter is discharged.

It is, however, made clear that the order cannot be retroactive inasmuch as petitioners would be deemed to be in continuous service for all practicable purposes and would superannuate only on attaining the age of 60 years in accordance with law.

The writ petitions are accordingly disposed of in view of the said office order, which is Annexure A dated 06.08.2009 to the show cause.”

By the same order the claim for enhancement of age of superannuation of Pramod Narayan Pandey was also disposed of in the proceedings arising out of CWJC No. 14689 of 2007. Though both Pramod Narayan Pandey and the petitioner had attained the age of superannuation prior to issuance of the office order dated 6.8.2009 and had actually not worked for the period of two years by virtue of extension in the age of superannuation, the salary of Pramod Narayan Pandey is said to have been paid



to him for two years period in between 2007 to 2009 on account of enhancement in the age of superannuation. The petitioner has specifically raised his claim for payment of salary for the period 1.8.2007 to 31.7.2009 i.e. two years period during which he was deemed to be in service under the orders of this Court in CWJC No. 17313 of 2008 claiming parity with other beneficiary of the order dated 11.8.2009 passed in petitioner's writ petition along with Pramod Narayan Pandey. The said issue has not been answered by the respondents either in the counter affidavit nor in the order which has been issued by the Managing Director on 28.7.2017 which has been brought on record by way of counter affidavit filed by respondent Sugar Corporation.

In view of the fact that petitioner's claim seeking parity with that of Pramod Narayan Pandey has not been considered in Annexure A, this Court would remit the matter to respondent No. 3 who shall consider the petitioner's claim and if the said Pramod Narayan Pandey has been paid salary for the period of two years deemed service on account of enhancement of age in the light of office order dated 6.8.2009, then the respondent Corporation cannot in any manner justify refusal of claim of the petitioner who shall also be deemed to be in service for the period of two years upon enhancement of age of



superannuation to 6.8.2009.

Let the final decision be taken by respondent No. 6
maintaining parity with Pramod Narayan Pandey expeditiously
and without undue delay.

Writ petition is disposed of with the aforesaid
direction.

(Madhuresh Prasad, J)

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