

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4496 of 2019

Ataullah Azmi S/o Late Ali Mohamed Aged About 57 Years Posted As Assistant Commandant (Ministerial), At Sector Headquarter Border Security Force, Bhilai, Bsp High School Building, Opposite Sbi Maroda Branch, Risali Sector Bhilai, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Petitioner

Versus

1. Union Of India Through Its Secretary, Ministry Of Home Affairs, North Block Central Secretariat, New Delhi - 110001., District : New Delhi, Delhi
2. The Director General Bsf, Cgo Complex Block No. 10, Lodhi Road, New Delhi - 110001., District : New Delhi, Delhi
3. The Inspector General Frontier Headquarter (Special Operations) Border Security Force, Bsp High School Building, Opposite Sbi Maroda Branch Risali Sector Bhilai, District Durg Chhattisgarh., District : Durg, Chhattisgarh
4. The Deputy Inspector General Sector Head Quarter, Border Security Force, Bsp High School Building, Opposite Sbi Maroda Branch Risali Sector Bhilai, District Durg Chhattisgarh., District : Durg, Chhattisgarh
5. The Director Accounts Pay And Accounts Division, Bsf New Delhi, Pushpa Bhavan Madangir, New Delhi - 100062., District : New Delhi, Delhi

---- Respondents

WPS No. 4738 of 2019

Rajesh Kumar Mishra S/o Shri Ram Sundar Aged About 57 Years Posted As Sub-Inspector/gd, Hq/65 Bn Crpf Tulsi Baradera Mandir Hasaud New Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Petitioner

Versus

1. Union Of India Through Its Secretary Ministry Of Home Affairs, North Block, Central Secretariat, New Delhi.- 110001., District : New Delhi, Delhi
2. The Director General Crpf, Cgo Complex Block No.1, Lodhi Road, New Delhi.- 110001., District : New Delhi, Delhi
3. The Inspector General M.P. Sector Crpf, Bhopal, Madhya Pradesh., District : Bhopal, Madhya Pradesh
4. The Inspector General Crpf Headquarters Crpf Sector 17 Atal Nagar, (New Raipur) Chhattisgarh., District : Raipur, Chhattisgarh
5. The Deputy Inspector General M.P. Sector Gc Crpf, Bhopal, Madhya Pradesh., District : Bhopal, Madhya Pradesh
6. The Director Accounts Pay And Accounts Division, Crpf New Delhi, Pushpa Bhavan Madangir, New Delhi.- 100062., District : New Delhi, Delhi

---- Respondents

WPS No. 4741 of 2019

Hira Mani Kurmbanshi S/o Shri Ram Tahal Kurmvanshi Aged About 57 Years Posted As Inspector / Gd, E /65 Bn Crpf Tulsi Baradera Mandir

Hasaud New Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Petitioner

Versus

1. Union Of India Through Its Secretary, Ministry Of Home Affairs, North Block, Central Secretariat, New Delhi - 110001., District : New Delhi, Delhi
2. The Director General Crpf, Cgo Complex, Block No. 1, Lodhi Road, New Delhi - 110001., District : New Delhi, Delhi
3. The Inspector General M.P. Sector Crpf, Bhopal Madhya Pradesh., District : Bhopal, Madhya Pradesh
4. The Inspector General Crpf Headquarters, Crpf Sector 17 Atal Nagar (New Raipur), Chhattisgarh., District : Raipur, Chhattisgarh
5. The Deputy Inspector General M.P. Sector Gc Crpf, Bhopal Madhya Pradesh., District : Bhopal, Madhya Pradesh
6. The Director Accounts Pay And Accounts Division, Crpf New Delhi, Pushpa Bhavan, Madangir, New Delhi - 100062., District : New Delhi, Delhi

---Respondents

For Petitioners	:	Mr. Bhaskar Payashi, Advocate Ms. Sonia Kuldeep, Advocate
For Respondents	:	Mr. Vaibhav P. Shukla, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19/09/2019

1. The challenge in all these writ petitions was to the age of retirement fixed at 57 by the respondents. These writ petitions were entertained subject to the decision taken by the Government of India in the light of the judgment of the Delhi High Court in the case of "Dev Sharma" decided on 31.01.2019.
2. The Government of India has now amended the service Rules and have enhanced the age of retirement from 57 to 60 for all the personals working in the Central Armed Police Force Services and the age of retirement has been made uniformly applicable in all the Departments.
3. The Government of India, Ministry of Home Affairs have issued another order on 19.08.2019, whereby they have taken a decision for continuing the services of all those persons, who have got an interim order in their favour

and so far as those persons, who have approached the Court and have not got an interim order, the Government has taken a decision to give an option to their employees to either come back in employment on returning their retiral benefits that they have received for the pension and other benefits as per the Rules.

4. The petitioners herein submit that they have not received any pensionary benefits as of now and all these petitioners are ready to return back to services immediately.
5. Given the said facts, all these writ petitions stand disposed of with a direction to the respondents to ensure that the petitioners are taken back in service and the petitioners if they have received any retiral dues, they should return the same before giving joining, if not the respondents would take appropriate decision in accordance with the order dated 19.08.2019.
6. The period during which the petitioners have stayed out of service by virtue of previous order of retirement, till the petitioners are taken back in service pursuant to the order dated 19.08.2019 of the Government of India, the entire intervening period would be treated as period spent on duty with all consequential benefits, as if the petitioners were never subjected to retirement at the age of 57.
7. With the aforesaid observations, the present writ petitions stand allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge