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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5442 of 2019**

Ku. Shakuntala Satpathi D/o Shri G. S. Satpathi, Aged About 60 Years, Presently Working As - Principal, Aanganbadi Workers - Training Centre, Pandra Road, District – Bilaspur, Chhattisgarh Permanent R/o Darbari Toli, GSC Public School Line, Jashpur Nagar, District – Raigarh, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through - Secretary, Department Of Women And Child Development S2 - 10, Ground Floor, Mantralaya, Mahanadi Bhawan, Naya Raipur, Atal Nagar, District - Raipur Chhattisgarh
2. Chhattisgarh State Council For Child Welfare, Through - The General - Secretary, L I G - 29, Indravati Colony, Raipur Chhattisgarh, District - Raipur Chhattisgarh, (The Registered Society Under The Chhattisgarh Society Registration Act 1973, Registration No. 35 Dated 27 September 2001)
3. State Of Madhya Pradesh, Through - Secretary, Department Of Women And Child Development Mantralaya, Vallabh - Bhawan, Bhopal (M. P.) District - Bhopal (M. P.)
4. Madhya Pradesh State - Council For Child Welfare, Through - The Secretary, Hostel No. 05, Piplani, Bhopal (M. P.) (The Registered Society Under Madhya Pradesh Society Registration Act, Registration No. - 66, Dated - 23 February 1959)
5. Government Of India, Ministry Of Women And Child Development, Shastri - Bhawan, New Delhi - 01.
6. Indian Council Of Child Welfare, National Headquarters, 04, Deen Dayal Upadhyay Marg, New Delhi - 110002

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For Petitioner	:	Mr. Shyam Sunder Lal Tekchandani, Advocate
For State	:	Mr. Samir Behar, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

24.07.2019

1. The challenge in the present writ petition is to the order Annexure P-1 dated 24.06.2019 whereby the petitioner has been intimated that her services are going to get discontinued w.e.f. 24th July, 2019 on her crossing the age of superannuation i.e. 60 years.
2. The contention of the counsel for the petitioner is that the petitioner is working as a Principal at Aanganbadi Workers Training Centre, Pendra Road, District Bilaspur and that the said Centre is one which comes under respondent no.2. That the financial requirement of the department is met 60% by the Central Government and 40% by the State Government. The contention of the counsel for the petitioner is that the State Govt. has not framed any particular rule and regulation or guideline determining the age of superannuation or other service conditions for the employees in the department. In the absence of there being any such specific rule and regulation, the service conditions which are applicable on the State Govt. employees should be applied upon the petitioner. Therefore, retiring the petitioner at the age of 60 is bad in law and the petitioner should be permitted to work till she attains the age of 62 years.
3. Perusal of the record would show that the petitioner herself has enclosed a circular of the Central Government dated 12.08.1994 Annexure P-8 which lays down guidelines under which Anganwadi Workers Training Centres

have to be operated upon. The said guidelines specifically prescribe the retirement age of the persons posted at Anganwadi Training Centres and the age prescribed under the said guidelines is 60.

4. Given the said fact, this Court is of the opinion that since the State Govt. has not framed any policy or guideline determining the age of superannuation of the employees working under respondent no.2, it would be the guidelines that have been framed by the Government of India i.e. respondent no.6 in this regard which would be applicable.
5. Undoubtedly, the petitioner has reached the age of superannuation i.e. 60 years as per the guidelines of the Central Govt. Though the said guidelines have a Clause of extension of service upto a maximum period of 5 years but the question of granting of extension is exclusively within the domain of the State Govt. and it is always the prerogative of the State Govt. to decide whether the petitioner has to be granted extension or not.
6. The petitioner, so far as grant of extension is concerned, is at liberty to approach the respondents by way of an appropriate representation seeking extension of service. On an application so made by the petitioner, the authorities concerned shall consider the same taking into consideration the overall performance of the petitioner with the respondents in the past.
7. With the aforesaid direction, the writ petition stands disposed of.

Sd/-
P. Sam Koshy
Judge