

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.7802 of 2019

K.Prabhakaran ... petitioners

Vs

- 1 Union of India
Rep. by Secretary to Home Ministry of India
North Block Central Secretariat
New Delhi - 110001
- 2 Director General BSF
Headquarters Border Security Force Block
No. 10 CGO Complex Lodhi Road New Delhi -
110003
- 3 Inspector General BSF
FTR HQ (SPL OPS) BSF ODISHA at Bangalore
Post and PS. AFS Station Yelahanka
Bangalore Karnataka - 560064
- 4 Deputy Inspector General BSF
SHQ BSF CHENNAI Village - Keerapkkam Po-
Nallambakkam PS-Kayar Chennai - 600127
- 5 The Director
Accounts PAD BSF New Delhi Pushpa Bhavan
Madangir New Delhi - 100062 ... respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration declaring therein that Rule 6 of BSF Gr. A B C (Combined Ministerial Cadre) Recruitment Rule 2005 reading as A person appointed under the provisions of these rules shall retire from service on the afternoon of the last day of the month in which he attains the age of 57 years together with Rule 12 of BSF (General Duty Officers) Recruitment Rules 2010 amended in 2015 to the extend it prescribes a condition reading as officers of other ranks shall retire from service on the afternoon of the last day of

the month in which they attain the age of fifty seven years compared to the officers holding posts higher than the rank of Commandant shall retire from service on the afternoon of the last day of the month in which they attain the age of sixty years, as arbitrary, unconstitutional, discriminatory, unjust, unreasonable classification violation of Articles 14 and 16 of the constitution by striking out the same from the respective statutes mentioned hereinabove together with a consequential direction to the respondents to amend the respective rules referred to above by way of enhancing the superannuation age from the present 57 years to 60 years, thus ensuring uniformity / nondiscrimination in the aforesaid rules.

For petitioner :: Ms.Sharon Elizabeth

For respondents :: Mr.G.Rajagopal
Additional Solicitor-General of India,
Assisted by Mr.G.Karthikeyan,
Assistant Solicitor-General of India

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

It is submitted on behalf of the petitioner that in view of the subsequent events, the petition has been rendered meaningless as the government has allowed the increase in the age of superannuation.

2. In view of such submission, W.P.No.7802 of 2019 is disposed of as infructuous. Consequently, W.M.P.No.8442 of 2019 is closed.

3. There will be no order as to costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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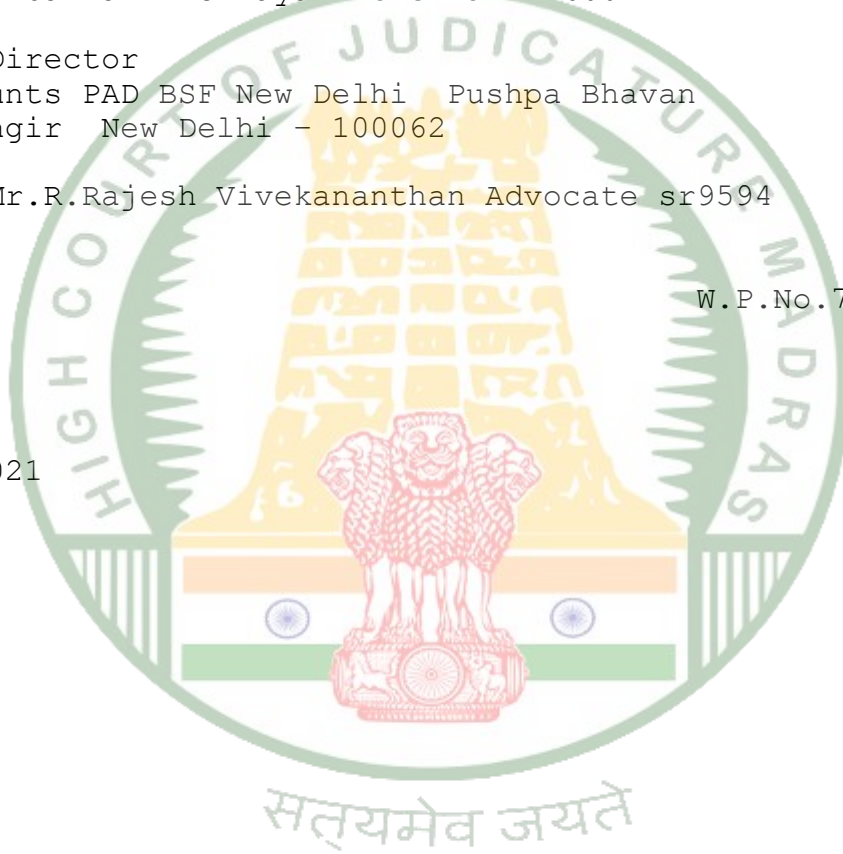
To:

- 1 The Secretary to Home Ministry of India
North Block Central Secretariat
New Delhi - 110001

- 2 The Director General BSF
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Accounts PAD BSF New Delhi Pushpa Bhavan
Madangir New Delhi - 100062
- +1 cc to Mr.R.Rajesh Vivekananthan Advocate sr9594

W.P.No.7802 of 2019

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