courtkutchehry.com

Company: Sol Infotech Pvt. Ltd.
Website: www.courtkutchehry.com
Printed For:
Date: 06/11/2025

(2011) 11 AHC CK 0303

Allahabad High Court

Case No: Service Single No. 8344 of 2011

Ravindra Nath Verma	APPELLANT
Vs	
State of U.P. and Others	RESPONDENT

Date of Decision: Nov. 21, 2011

Acts Referred:

- Uttar Pradesh Jal Nigam Service Regulations - Regulation 31

Hon'ble Judges: Devendra Kumar Arora, J

Bench: Single Bench

Final Decision: Disposed Of

Judgement

Hon"ble Devendra Kumar Arora, J.
Heard Ms. Savita Jain, learned counsel for the petitioner and Mr. I.P. Singh, learned counsel for the opposite party nos.2 to 4.

2. The petitioner, who has joined in the U. P. Jal Nigam on 25.5.1978 on the post of Junior Engineer, is going to attain the age of superannuation on 31.12.2011, on completion of 58 years.

3. Submission of the petitioner is that he should have been asked to retire on attaining the age of 60 years, as the State Government vide its notification dated 28.11.2001 enhanced the age of superannuation of Government Servants from 58 to 60 years.

4. According to the petitioner, age of superannuation of employees of U.P. Jal Nigam, before 28.11.2001 was 58 years parallel to State Government Employees, in view of the provisions of Regulation-31 of Service Regulations of U. P. Jal Nigam. However, the State Government denied the aforesaid benefit to the employees of Nigam.

5. Mr. I. P. Singh, learned counsel for U. P. Jal Nigam states that the department has taken decision to appoint the retired employees like petitioner, who were regular

employees on contract basis for six months.

6. It is not in dispute that when some employees were not given the benefit of 60 years by the Department, they approached the High Court leading case of which was Writ Petition No.1595 (SB) 2009, B. N. Chakravarty vs. State of U.P. and Others. The said bunch of writ petitions regarding the age of retirement were allowed vide judgment and order dated 29.7.2010. Against the said judgment, the State of U.P. preferred SLP before the Apex Court titled as State of U.P. vs. Dayanand Chakrawarty and Others and the Hon''ble Supreme Court was pleased to grant interim stay vide order dated 13.12.2010. It is also not disputed that the Board of Directors, U.P. Jal Nigam itself took the decision on 20.6.2011 to appoint employees who are retiring at the age of 58 years on contract basis. Further, the Apex Court in U. P. Jal Nigam and Another vs. Ghana Ram Verma, vide order dated 8.7.2011 and in U.P. Jal Nigam and Another vs. Virendra Nath Gupta and Others vide order dated 11.7.2011 provided that such employees may be allowed to work on contract basis till they attain the age of 60 years. It is relevant to mention that after the aforesaid orders, this Court, in number of writ petitions, directed for giving the aforesaid benefit. Therefore, the petitioner is also entitled for the same benefit as his case is squarely covered by the aforesaid orders. In view of the aforesaid facts and reasons and the orders of the Apex Court, this writ petition is disposed of finally with a direction to the opposite parties to appoint the petitioner after attaining the age of superannuation, as directed by the Apex Court, as an interim measure in Special Leave to Appeal (Civil) No(s). 10663/2011 U. P. Jal Nigam and Another versus Ghana Ram Verma and Another, vide order dated 8.7.2011, if there is no other legal impediment.