

(2006) 09 JH CK 0040
In the Jharkhand High Court

Damu Devgam

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 05-09-2006

Acts Referred:

Citation : (2006) 4 JCR 601

Hon'ble Judges : Dhananjay Prasad Singh, J; Amareshwar Sahay, J

Bench : Division Bench

Judgement

1. Heard.

2. A batch of three writ petitions being WP (S) 5443 of 2005 along with WP IS) No. 1918/2005 and WP (S) No. 6466/ 2005 were heard together and were disposed of by a common order dated 22.3.2006." In those writ petitions the "prayer was made to quash the order dated 3.9.2005 issued by the Deputy Development Commissioner-cum-Executive Engineer, Zila Parishad, Dhanbad, whereby the writ petitioners were directed to be superannuated on account of completion of 58 years of age. Further prayer in those writ petitions were for directions to the Zila Parishad to implement the directions of the State Government dated 26.10.2004 for enhancement of age of superannuation from 58 years to 60 years. All the three aforesaid writ petitions were disposed of by order dated 22.3.2006 holding that the resolution taken by the Government vide memo No. 5826 dated 26.10.2004 enhancing the age of superannuation of the Government's employees from 58 years to 60 years shall also be applicable in the case of the employees of Zila Parishad and, accordingly, the age of superannuation of the employees of Zila Parishad was directed to be of 60 years. However, the learned single Judge observed that this decision shall have prospective effect. On the basis of the aforesaid order dated 22.3.2006 in the aforesaid batch writ petitions, two other writ petitions, i.e. WP (S) No. 6964/2005 and WP (S) No. 6951/2005, filed by Rajni Das and Damu Devgam respectively, were also disposed of in terms of the judgment/order dated 22.3.2006 in the aforesaid batch of writ petitions.

3. Raghunath Purty. the writ petitioner of WP (S) No. 6466/2005 and Rajni Das. the writ petitioner of WP (S) No. 6964/ 2005, preferred LPA No. 201/2006 and LPA No. 270/2006 respectively against the order and direction passed by the learned single Judge whereby he had observed in his order dated 22.3.2006 that the said decision shall have prospective effect.

4. The Division Bench after hearing both the LPAs aforesaid, disposed of both the appeals by order dated 14.8.2006 by modifying the judgment/order dated 22.3.2006 of the learned single Judge and thereby the last line of the judgment, in the: aforesaid writ petitions, i.e. "however, the decision shall have prospective effect" in para-13 of the judgment passed in WP (S) No. 6466/2005 and analogous cases, was deleted.

5. The case of the petitioner is squarely covered by the order dated 14.8.2006 passed by the Division Bench of this Court in LPA No. 201/2006 with LPA No. 270/2006. Raghunath Purty v. State of Jharkhand and Ors. 2006 (4) JCR 471 (Jhr) .

6. According, this appeal is also being disposed of in terms of the judgment/order dated 14.8.2006 passed by the Division Bench of this Court in the aforesaid LPA. No. 201/2006 with LPA. No 270/2006.