
(2009) 01 AHC CK 0113
In the Allahabad High Court
Case No : Writ Petition No. 625 (S/S) of 2008

Madan Mohan Srivastava

APPELLANT

Vs

U.P. Jal Nigam and others

RESPONDENT

Date of Decision : 27-01-2009

Acts Referred:

Uttar Pradesh Jal Nigam Services of Engineers (Public Health Branch) Regulations, 1978 — Regulation 31

Citation : (2009) 01 AHC CK 0113

Hon'ble Judges : Abhinava Upadhyay, J

Final Decision : Allowed

Judgement

Abhinava Upadhyay, J.

Heard learned counsel for the parties.

The petitioner claims himself to be employed as Junior Engineer in the Jal Nigam. It is submitted on behalf of the petitioner that the provisions of U.P. Jal Nigam Engineers (Public Health Branch) Service Regulations, 1978 are applicable to the petitioner. Regulation 31 of the said regulations provides that service conditions of the employees of the Nigam shall be governed by such service Rules, regulations and orders which are applicable to other serving Government servants functioning in the State of Uttar Pradesh. It is further submitted that the said provisions of Regulation 31 has till date neither been modified nor been amended and the Rules, Regulations and Orders as applicable to the employees of the State Government are applicable to the employees of the Jal Nigam and, therefore, the petitioner could not be retired at the age of 58 years since the age of retirement of the Government servants of State of U.P. is 60 years.

The petitioner has relied upon the decision in the case of Chairman, U.P. Jal Nigam and another Vs. Radhey Shyam Gautam and another reported in (2007) 2 UPLBEC 1500. According to the petitioner the said judgment is squarely applicable upon the facts of the petitioner's case. If that be the case then the petitioner shall not be retired at the age of 58 years and shall continue till the

age of superannuation as applicable to the Government of the State of U.P.

Learned standing counsel appearing for the Jal Nigam states that he wishes to file a counter affidavit in the matter. He further submits that the proposal in terms of the judgment of the Supreme Court, has already been sent to the State Government but no decision has yet been taken by the Government.

Learned standing counsel may file counter affidavit within three weeks, thereafter one week's time is granted to the petitioner to file rejoinder affidavit.

List thereafter.