(2004) 02 PAT CK 0071

In the Patna High Court

Case No : C.W.J.C. No. 6625 of 2000

Radha Kant Mishra APPELLANT

Vs

State of Bihar and Others RESPONDENT

Date of Decision : 27-02-2004

Acts Referred:

Citation : (2004) 3 PLJR 190

Hon'ble Judges : Narayan Roy, J

Bench : Single Bench

Advocate : Teg Bahadur Singh, for the Appellant; SC 10 and JC to SC 10 for State, for the Respondent

Judgement

Narayan Roy, J.—Heard counsel for the parties.

2. The Petitioner confines his prayer only against the order, as contained in annexure 4, whereby and whereunder he has been directed to superannuate with effect from 1.7.2000 treating his date of birth as 1942.

3. Learned Counsel for the Petitioner submits that the year of birth of the Petitioner only has been mentioned in the service book as 1942, and, therefore, he would retire by the end of the year he attains the age of 58. learned Counsel for the Petitioner further submits that even as per the case of the Petitioner, the Petitioner could have superannuated with effect from 31st December, 2000.

4. In support of his proposition, learned Counsel for the Petitioner has placed reliance on several orders of this Court as contained in annexure 3 series.

5. This Court while dealing with the similar matters, held that in case, the year of birth is only mentioned in the service record of a Government employee, that Government employee would superannuate by the end of the year he attains the age of superannuation.

6. In the case at hand, the year of the birth of the Petitioner has been shown as 1942, but he has been asked to superannuate with effect from 1.7.2000.

7. In view of the orders of this Court, as noticed above, the Petitioner would have been asked to superannuate with effect from 31st December, 2000.

8. Considering the facts and circumstances of the case, therefore, the order, as contained in annexure 4, is set aside and the date of birth of the Petitioner is treated to be as 31st December, 1942.

9. Since the Petitioner has already superannuated, he would be entitled for the monetary benefit from 1.7.2000 to 31.12.2000.

10. Let the consequential benefits of the Petitioner be paid to him within a period of six months from the date of receipt production of a copy of this order.

