
(2012) 02 AHC CK 0228
In the Allahabad High Court
Case No : Service Single No. 128 of 2012

Ram Awadh Yadav and Another

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 14-02-2012

Acts Referred:

Citation : (2012) 02 AHC CK 0228

Hon'ble Judges : Devendra Kumar Arora, J

Bench : Single Bench

Final Decision : Disposed Of

Judgement

Hon"ble Devendra Kumar Arora, J.—Heard learned counsel for the petitioners and Sri L.P. Shukla, learned counsel for the opposite parties. Learned counsel for the petitioners submits that the present case is covered by the judgment and order dated 25.01.2012 passed in Writ Petition No. 473 (S/S) of 2012, Shiv Mangal Singh vs. State of U.P. & others. The aforesaid judgment and order reads as under:

The submission of learned counsel for the petitioner is that Government has taken a policy decision dated 20.12.2011 regarding enhancement of age of all the Corporation and Local Bodies with a rider that those association who can afford financial burden on account of enhancement of age of their employees from 58 to 60 years, they will take decision and forward the same to the State Government for approval. The Managing Director, U.P. Forest Corporation informed the Principal Secretary, Forest by means of letter dated 23.12.2011 that the Board of Directors have resolved to enhance the age of its employees from 58 to 60 years and on account of enhancement of age of its employees, no financial assistance will be taken from the State Government as the Corporation is in sound financial condition.

In pursuance of the letter of Managing Director, the Special Secretary by means of letter dated 06.01.2012 sought certain information with respect to financial

condition of the Corporation. The Managing Director by means of letter dated 16.01.2012 furnished information to the Principal Secretary. Now the matter is pending before the State Government for its consideration. The learned counsel for the petitioner informs that the Election Commission of India has already informed the Chief Election Officer of the State that the Commission has no objection with respect to take decision by the State Government regarding enhancement of age of the employees of the Corporation, but no propaganda/ advertisement be made.

The grievance of the petitioner is that he is going to attain the age of superannuation on 31.01.2012 and if the decision is taken after 31.01.2012 by the State Government, the petitioner will be deprived from the benefit of enhancement of age. The prayer of learned counsel for the petitioner is that ends of justice would be served, if necessary directions are issued to State Government to take decision expeditiously.

I have considered the submission of learned counsel for the parties and gone through the record.

Admittedly, the issue with respect to enhancement of age of the employees of U.P. Forest Corporation is pending before the State Government. The Principal Secretary, Forest is hereby directed to take decision expeditiously say, within a period of two months from the date of receipt of a certified copy of this order. The superannuation of the petitioner will be subject to the decision taken by the State Government with respect to enhancement of age of the employees of the Corporation.

2. The present petition is disposed of in terms of judgment and order dated 25.01.2012 passed in Writ Petition No. 473 (S/S) of 2012, Shiv Mangal Singh vs. State of U.P. & others.

3. The retirement of the petitioners will be subject to decision of the State Government.

4. With the aforesaid observations and directions, the writ petition is disposed of finally.