
(2003) 01 AHC CK 0076
In the Allahabad High Court
Case No : C.M.W.P. No. 7857 of 2002

Shambhoo Nath Gupta

APPELLANT

Vs

District Assistant Registrar, Co-operative Societies and Others

RESPONDENT

Date of Decision : 23-01-2003

Acts Referred:

Fundamental Rules — Rule 56(3)

Sahkari Sangrah Kosh Niyamavali, 1982 — Rule 18

Citation : (2003) 2 AWC 1161 : (2003) 1 UPLBEC 690

Hon'ble Judges : Anjani Kumar, J

Bench : Single Bench

Advocate : M.P. Gupta, for the Appellant;

Final Decision : Allowed

Judgement

Anjani Kumar, J.—Heard learned counsel for the petitioner and learned standing counsel who has accepted notice on behalf of respondent Nos. 1 to 5.

2. Petitioner has claimed that the provisions of Rule 18 of the Sahkari Sangrah Kosh Niyamavali, 1982 are applicable to the employees of Collection Branch of Co-operative Department regarding retirement. The employees of State Government have been granted benefit of amendment in Fundamental Rule 56 (3).

3. The said Rules provide that such provisions which are not incorporated in the said 1982 Rules, the rules applicable to the State Government employees, shall be applicable. It is argued that the age of retirement has not been provided in the said 1982 Rules. Therefore, the age of retirement as is applicable under Fundamental Rules, is 60 years which provides that a Government servant will retire at the age of 60 years, will be applicable to the employee governed by 1982 Rules. The counter-affidavit says that the status of the employees governed by 1982 Rules are not like that of Government servants. In view of this argument on behalf of learned counsel for the petitioner, the aforesaid stand in the counter-

affidavit does not come in the way of the petitioner to claim the age of retirement to be 60 years.

4. In this view of the matter, the age of the employees governed by the said 1982 Rules shall be treated to be 60 years and the petitioner is entitled to retire only after attaining the age of 60 years.

5. In view of what has been stated above, the writ petition succeeds and is allowed. The order dated 31.12.2001 retiring the petitioner before the age of 60 years, is quashed. The respondents are directed to allow the petitioner to continue upto 60 years of age.