
(2004) 07 PAT CK 0058
In the Patna High Court
Case No : CWJC No. 313 of 2001

Sheo Shankar Singh

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 14-07-2004

Acts Referred:

Citation : (2004) 2 BLJR 1396 : (2004) 3 PLJR 691

Hon'ble Judges : Narayan Roy, J

Bench : Single Bench

Advocate : Shankar Dayal Singh, for the Appellant; JC to SC 9, for the Respondent

Final Decision : Allowed

Judgement

Narayan Roy, J.—Heard learned counsel for the petitioner and JC to SC 9 for the respondents and considered the counter affidavit.

2. The grievance of the writ petitioner is that though his date of birth as recorded in the matriculation certificate is 3.1.1944, the authorities forced him to superannuate in the month of July 2001.

3. According to the case of the respondents, the date of birth of the petitioner has been recorded in the service book as 1943, as details were not furnished at the time of his entry in service.

4. According to the case of the respondents, the petitioner could have superannuated by the end of the year i.e. by 31st December, 2001 after attaining the age of 58 years. But, somehow or the other, he was forced to superannuate in the month of July 2001 itself.

5. If the date of birth of a Government Servant is not recorded in detail and only the year, is shown in the service book, then he would retire after completion of his tenure by the end of the year, but, admittedly, in this case, the petitioner was asked to superannuate in the month of July 2001.

6. Law on this point is very clear and in this connection, reference may be made to the case of Bharat Singh alias Bharat Rao v. State of Bihar and Ors., 2001 (1) Patna Law Journal Reports 641.

7. Considering the facts and circumstances of the case and in view of the legal proposition, as noticed above, this application is allowed and the respondent authorities are directed to pay the due salary of the petitioner with all consequential benefits, as calculated upto 31st December, 2001, within a period of three months from the date of receipt/production of a copy of this order. It is needless to say that the pension of the petitioner will be fixed according to the last pay drawn by him.

8. With the direction/observation aforesaid, this application is disposed of.