

(2003) 02 AHC CK 0134

In the Allahabad High Court

Case No : C.M.W.P. No's. 55152 and 50898 of 2002

Shree Prakash Sharma and Others

APPELLANT

Vs

Managing Director, U.P. Sahkari Gram Vikas Bank Ltd.

RESPONDENT

Date of Decision : 25-02-2003

Acts Referred:

Citation : (2003) 3 AWC 1866

Hon'ble Judges : Prakash Krishna, J;M. Katju, J

Bench : Division Bench

Advocate : Arti Rai, for the Appellant; K.N. Misra, for the Respondent

Final Decision : Dismissed

Judgement

Prakash Krishna, J.—The only controversy involved in the present writ petitions is about the age of retirement of an employee of U. P. State Cooperative Land Development Bank (now known as U. P. Sahkari Gram Vikas Bank Limited). According to the petitioners, it is 60 years while according to the respondents, the age of superannuation is 58 years.

2. The petitioner Nos. 1, 2, 3 and 4, in the instant writ petition, joined the service of the U. P. Sahkari Gram Vikas Bank Limited on 26th July, 1969, 24th July, 1968, 14th July, 1969 and 18th July, 1909, respectively. According to the petitioners at the time of their initial appointment, their service conditions were governed by the U. P. State Cooperative Land Development Bank Limited Staff Rules, 1964. Rule 46 of the said Rules provides that an employee shall retire at the age of 60 years.

3. The State Government u/s 122 of the U. P. Cooperative Societies Act constituted the U. P. Cooperative Society Institution Board which framed service Regulations for all the employees of the Co-operative Societies known as the U. P. Cooperative Society Employees Service Regulations, 1975 (hereinafter referred to as 1975 Regulations). Regulation 24 of the 1975 Regulations provides the date of retirement from service of an employee of a society to be in the afternoon of

the last day of the month in which he attains the age of 58 years, if he is appointed to a post in categories (i), (ii) or (iii). It has been submitted by the respondents that in view of the aforesaid provision, the age of retirement of an employee is 58 years.

4. We have heard learned counsel for the parties.

5. Having considered the respective submissions of the counsel for the parties, we find that the controversy involved herein was considered and decided by the Lucknow Bench of this Court in Writ Petition No. 752 (S/B) of 1994. Nazibulla Siddiqui v. U. P. Rajya Sahkari and Krishi Evam Gramya Vikas Bank Limited and Anr. and other connected writ petitions decided on 7.2.1995. We have further been informed that Special Leave Petitions Nos. 13297 to 13299 of 1995 against the aforesaid judgments dated 7.2.1995 have been dismissed by the Supreme Court Vide order dated 20.2.1998. It has been held that the U. P. State Cooperative Development Bank Staff Rules, 1964, did not have any approval of the Registrar and as such, it could not come into force at all. It was further held that the aforesaid Staff Rules of 1964 cannot be treated to be valid rules to govern the service conditions of the employees of the Bank. In view of the aforesaid pronouncement, we do not find any illegality in the impugned orders.

6. The writ petition is dismissed accordingly.