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(2010) 01 AHC CK 0086

In the Allahabad High Court

Shri Kant Pandey APPELLANT

Vs

State of U.P. and Others RESPONDENT

Date of Decision : 06-01-2010

Acts Referred:

Constitution of India, 1950 — Article 14
Constitution of India, 1950 — Article 14
Constitution of India, 1950 — Article 14

Citation : (2010) 3 AWC 2580(1) : (2010) 125 FLR 232

Hon'ble Judges : Amreshwar Pratap Sahi, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Amreshwar Pratap Sahi, J.—Heard Sri R. P. Dubey, learned Counsel for the petitioner and Sri Amit Dubey for the respondents.

2. The petitioner claims continuance up to the age of 60 years on the strength of 2 orders in the case of Ashok Kumar Kulshreshtha and Sri Virendra Kumar Kanchan, who have been extended similar benefit. Sri Dubey contends that such benefits have been extended to some other employees after their retirement and they were given the aforesaid benefit of extension.

3. Sri Amit Dubey for the respondents contends that in view of the law laid down in the case of Chairman, U.P. Jal Nigam and Another Vs. Jaswant Singh and Another, , the said benefit cannot be extended to employees, who have filed writ petition after their retirement. In the instant case, the petitioner has also filed writ petition after retirement. In this view of the matter, the ratio of the Judgment in the case of Jaswant Singh squarely applies and the petitioner cannot be extended such benefits.

4. The contention of Sri Dubey that two persons have been extended the said benefit in similar circumstances cannot be accepted inasmuch as the rules of equality and the equality clause enshrined under Article 14 of the Constitution of

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India, cannot be attracted in the case of any illegality as held by the Apex Court in the case of Gulam Rasool Lone v. State of Jammu and Kashmir JT 2009 (13) SC 422.

5. Accordingly, the writ petition lacks merit and is dismissed.

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