
(2011) 05 AHC CK 0031
In the Allahabad High Court
Case No : Writ A. No. 31339 of 2011

Shyam Lal Tiwari

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 27-05-2011

Acts Referred:

Uttar Pradesh Jal Nigam Employees (Retirement on Superannuation) Regulations,
2005 — Regulation 4

Citation : (2011) 05 AHC CK 0031

Hon'ble Judges : Krishna Murari, J

Bench : Single Bench

Judgement

Krishna Murari, J.—Heard learned Counsel for the Petitioner and learned Standing Counsel for the State-Respondents.

2. From the facts, as they stand on record, it is clear that the Petitioner was appointed as Pump Operator in U.P. Jal Nigam and that the provisions of U.P. Jal Nigam Employees (Retirement on Superannuation) Regulations, 2005 are, therefore, attracted to the case of the Petitioner. Petitioner has been served with a notice dated 9th March, 2011 issued by Respondent No. 4 informing the Petitioner that he will retire on 30th June, 2011 from his post after attaining the age of 58 years in accordance with Regulation-4 of Regulations, 2005. It is against this notice that the present writ petition has been filed.

3. Learned Counsel for the Petitioner has relied on a Division Bench judgment of the Lucknow Bench of this Court dated 29th July, 2010 passed in Writ Petition No. 1995 (SB) of 2009 (Dayanand Chakrawarty v. State of U.P. and Ors.), wherein the Regulations 2005 have been set aside and it has been held that employees of Jal Nigam are entitled to continue upto 60 years of age. On behalf of Respondents, it has been pointed out that Division Bench judgment of this Court being relied upon is under challenge before the Hon"ble Apex Court and an interim order of stay has been passed, which reads as under.

Mr. Aniruddha P. Mayee, learned Counsel accepts notice for first Respondent.

The Petitioner has sought interim stay of the judgment of the High Court. The first Respondent opposes stating that no hardship will be caused if the employee is permitted to continue as the work will be extracted for the salary paid.

Learned Counsel for the Petitioners in the two matters submitted that the Petitioner will pay the salary and also take into account for the purpose of terminal/pensionary benefits, the additional two years' period, in the event of their failure in these matters. In view of the said statement, there shall be interim stay of the judgment of the High Court.

We find that SLP is filed only in one of the several cases which were disposed of by a common judgment. The interim order will therefore apply only in that case.

Learned Counsel for the Petitioner submits that they are filing the SLPs in other cases. To avoid any delay and to expedite the matters, we permit the Petitioner to file a single batch of SLPs in regard to all the other 3 petitions.

7. In view of order passed by Hon"ble Apex Court and in the facts of the present case, it is provided that if the appeal filed before the Hon"ble Supreme Court of India is dismissed and it is held that the employees like the Petitioner are entitled to continue in service till the age of 60 years, it will be open to the Petitioner to make an application for grant of monetary benefits to which he would be entitled because of enhancement of the age of retirement to 60 years.

8. The writ petition, accordingly, stands disposed of subject to the observations made above.