

(2011) 12 AHC CK 0168
In the Allahabad High Court
Case No : Writ - A No. - 71795 of 2011

Shyam Narayan Srivastava

APPELLANT

Vs

State Of U.P. and Others

RESPONDENT

Date of Decision : 13-12-2011

Acts Referred:

Citation : (2011) 12 AHC CK 0168

Hon'ble Judges : Sudhir Agarwal, J

Bench : Single Bench

Judgement

Hon"ble Sudhir Agarwal, J.—The petitioner was working as Class IV employee in the U.P. Jal Nigam.

2. The dispute in the present petition is about the age of superannuation. According to the petitioner, it should be 60 years, whereas according to the respondents it should be 58 years. The matter is engaging the attention of the Supreme Court.

3. Sri Amit Dubey, learned counsel appearing for the respondent-Jal Nigam has pointed out that in identical circumstances, the Court disposed of Writ Petition No. 25214 of 2007 (Durbal Ram Vs. State of U.P. & Ors.) on 2nd May, 2011 with the following observations:

I have heard counsel for the parties and have examined the records. I am of the considered opinion that no purpose would be served by keeping the writ petition pending and it would be interest of justice to direct as follows:

(a) Petitioner may be paid retiral dues treating him in services upto 30.6.2005 within one month from the production of certified copy of this order.

(b) As and when Special Leave to Appeal No. 31279 of 2010 is finally decided by the Supreme Court. The respondents no. 3 to 4 shall consider the matter of grant of arrears of salary as well as remaining pension if any in terms of the judgment of the Supreme Court qua the age of retirement of persons like the petitioner

within 8 weeks from the date of receipt of a certified copy of the judgment of the Supreme Court.

Petitioner is at liberty to produce the certified copy of the judgment of Supreme Court and when the matter is finally decided. The payment of pension under the orders of this Court shall be provisional and shall abide by the judgment of the Apex Court. Writ petition is disposed of subject to the aforesaid observations.

4. Learned counsel for the parties agreed that this writ petition, being similarly placed as that in *Durbal Ram Vs. State of U.P.* (supra), be disposed of in the same terms. In view thereof and in the facts and circumstances of the case, this writ petition is accordingly disposed of with the following observations:

(a) Petitioner shall be paid retiral dues treating him in service upto 31.12.2011.

(b) As and when Special Leave to Appeal No. 31279 of 2010 is finally decided by the Supreme Court, the respondents shall consider the matter of grant of arrears of salary as well as remaining pension if any in terms of the judgment of the Supreme Court qua the age of retirement of persons like the petitioner within 8 weeks from the date of receipt of a certified copy of the judgment of the Supreme Court.

(c) Petitioner is at liberty to produce the certified copy of the judgment of Supreme Court when the matter is finally decided. The payment of pension under the orders of this Court shall be provisional and shall abide by the judgment of the Apex Court.