

(1990) 10 SC CK 0009
In the Supreme Court Of India
Case No : W. P. Civil No. 658 of 1987

S.K. Siddique

APPELLANT

Vs

Madhya Pradesh State Road Transport Corporation and
Another

RESPONDENT

Date of Decision : 23-10-1990

Acts Referred:

Citation : (1991) MPJR 332

Hon'ble Judges : S.P. Agrawal, J;Kuldip Singh, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Kuldip Singh, J.—The Petitioner joined service in the Transport Department of the erstwhile State of Madhya Pradesh in September, 1960. On the formation of the Madhya Pradesh State Road Transport Corporation with effect from June 1, 1962 his services were transferred to the said Corporation. He retired from service on completing the age of 58 years on June 30, 1987. In this writ petition the Petitioner claims that the age of superannuation in the service of the Corporation was 60 years and as such his retirement at 58 was illegal.

2. We have today pronounced judgment in Civil Appeal No. 1731 of 1936 reported in S.P. Dubey v. Madhya Pradesh State Road Transport Corporation and Anr. 1991 MPLJ 1: 1991 MPJR. 327. We have held that all those employees of the Corporation who had originally joined service with the Central Provinces Transport Services Limited (hereinafter called 'the Company') are entitled to remain in service till attaining the age of 60 years.

3. Prior to August 31, 1955, Transport Service in the State of Madhya Pradesh was being run by the Company. The age of superannuation of the employees of the Company, except the Drivers, was 60 years. The company was purchased and taken over by the State of Madhya Pradesh on August 31, 1955. Thereafter the Madhya Pradesh State Road Transport Corporation was established by the

State Government with effect from June 1, 1962 and the services of the employees including the Petitioner were transferred to the said Corporation. Some of the employees of the Corporation were those who had originally joined service with the company. In *S. P. Outer's* case (*supra*), we have held that all those employees who had joined service with the company are entitled to continue in service till they attain the age of 60 years. The Petitioner does not belong to that category of employees. He joined service with the State of Madhya Pradesh in September, 1960, when the age of superannuation was 58 years and it continued to be the same till he retired. His case is, therefore, distinguishable from that of *S. P. Dnbey's* case. The writ petition is, therefore, dismissed with no order as to costs.