

(2001) 12 AHC CK 0004

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 44059 of 2001

Uma Shanker Singh and Another

APPELLANT

Vs

U.P. Power Corporation and Others

RESPONDENT

Date of Decision : 20-12-2001

Acts Referred:

Citation : (2002) 2 UPLBEC 1302

Hon'ble Judges : R.B. Misra, J;M. Katju, J

Bench : Division Bench

Judgement

M. Katju and R.B. Misra, JJ.—Heard learned Counsel for the parties.

2. Respondents may file counter affidavit within three weeks.

3. List in the third week of January, 2002.

4. The retirement of age of both Central and State Government employees has been increased to 60 years. However, since the U.P. Power Corporation is a distinct legal entity it is not necessarily bound by the orders of the State or Central Government. The U.P. State Electricity Board (Employees Retirement) Regulations, 1975 (which has been applicable to employees of the respondent Corporation) prescribe the retirement age of employees to be 58 years but they can be retained till 60 years with the prior sanction of the Board in writing. Until an amendment is made to these Regulations the retirement age of employees of the U.P. Power Corporation to whom these regulations have been made applicable cannot be treated as 60 years.

5. However, it has been pointed out that many officers of the State Government come on deputation to the U.P. Power Corporation and the age of retirement of State Government employees is 60 years. There will be an anomaly if some officers working for the Corporation retire at 60 while others at 58 years and hence we feel there should be uniformity for all employees of U.P. Power Corporation who should be allowed to continue in service till 60 years. We

therefore recommend amendment to the Regulations accordingly.

6. Sri S.P. Mehrotra states that the U.P. Power Corporation is awaiting the decision of the Bureau of Public Enterprises as to whether the age of superannuation should be raised to 60 years or not.

7. The petitioner is completing the age of 58 years on 31.12.2001. In the circumstances we grant interim protection to the petitioner that he shall continue in service till 28.2.2002 unless this order is vacated earlier. We further direct that in the meantime a decision should be taken by the relevant authority whether to increase the age of retirement of employees of U.P. Power Corporation to 60 years or not. If it is decided to increase it to 60 years the Regulations should be amended by 28.2.2002.