



# IN THE HIGH COURT OF SIKKIM

## ORDER SHEET

Writ Petition (C).....No. 39 of 2007

Shri Y. B. Gurung..... Petitioner / Appellant

Versus

Union of India & Anr. .... Respondent

Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
1.	20-12-2007	<p>Present: Mr. A.K. Upadhyaya, Sr. Advocate with Mr. Ashim Chhetri, Advocate for the petitioner.</p> <p>Mr. Karma Thinlay, Central Govt. Standing Counsel.</p> <p>_____</p> <p>This is a writ petition at the instance of a single army officer whose retirement age is at present according to Rules fixed at 52. He is due to retire very soon i.e. with the expiry of December, 2007. The writ petition is being moved at the last moment and allegations are made about discrimination and that the retirement age should be compulsorily raised by the writ Court to 54. Naturally along with it the stay order is also prayed for. Mr. Upadhyaya submitted that there should be stay of retirement until the disposal of the writ, or the retirement should be subject to the</p>	



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		<p>result of the writ. It is also submitted that the Ministry is actively considering the raising of the age of the group to which the writ petitioner belongs.</p> <p>Very clearly the writ Court should not interfere in these service matters which are pure policy decisions. Above all, it would be most unwise to pass orders affecting a whole class, and that too within the army, only at the instance of a single officer who is due to retire practically the next day.</p> <p>The writ petition is dismissed without any order as to costs. Since affidavits are not invited, the allegations cannot be taken to be admitted to any extent.</p> <p style="text-align: right;"><i>A.N. Ray</i> (A.N. Ray, CJ)</p> <p style="text-align: right;">(A.P. Subba, J)</p>	