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In the High Court of Judicature for Rajasthan
Jaipur Bench

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Civil Writ Petition No.14362/2008
Sri Chand Singh Choudhary ***Versus*** State & (3) Ors.

Date of Order ::: 22/12/08

Hon'ble Mr. Justice Ajay Rastogi

Mr. Pradip Kalwania, for petitioner

Instant petition has been filed assailing letter dt.24/03/08 (Ann.1) whereby petitioner has been informed of his attaining superannuation age of 58 years on 31/12/2008 while working as Compositor Gr.II in Rajasthan State Co-operative Press Ltd.

Counsel inter-alia submits that the then Minister In-charge of Co-operative Department has already made an open declaration to increase age of superannuation of employees of Co-operative Institutions from 58 to 60 years - extract of which has been quoted in para 4 of the petition. On its strength, Counsel submits that age of superannuation in Co-operative Societies stands increased to 60 years; in such circumstances, decision of respondents to retire him at his age of 58 years on 31/12/2008 vide letter dt.24/03/08 (Ann.1) is not legally sustainable.

Submission made by Counsel is without merit for the reason that it is only a

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declaration made by the then Co-operative Minister - of which reference has been made in para 4 of the petition, and allegedly public declaration, published in a bulletin, itself, points out that Co-operative institutions may take its own decision to increase age of superannuation from 58 to 60 years subject to cadre strength and financial status of the institutions. Nothing has been brought to the notice of this Court with regard to any amendment made in relevant service Rules governing service conditions of employees of such co-operative institutions where the petitioner is working - in the absence whereof, mere public declaration allegedly made by Co-operative Minister will not be construed to be an amendment in the age of superannuation, which may entitle the petitioner to continue upto 60 years.

Consequently, writ petition fails and is hereby dismissed. No order as to costs.

(Ajay Rastogi), J.