

IN THE HIGH COURT OF JHAKHAND AT RANCHI

W.P.(S)No. 468 of 2018

Arun Kumar.Petitioner

-Versus-

1. The State of Jharkhand.
2. The Secretary, Department of Electricity, Government of Jharkhand, P.O. & P.S. Kanke, Dist. Ranchi, Jharkhand.
3. The Electrical Engineer, Electric Works Division, Ranchi, P.O. & P.S. Kanke, Dist. Ranchi, Jharkhand.
4. The Superintending Engineer, Ranchi Mental Hospital Kanke, P.O. & P.S. Kanke, Dist. Ranchi.Respondents

CORAM: THE HON'BLE MR. JUSTICE DR. S.N.PATHAK

For the Petitioner: Mr. Shahjanand Sharma, Advocate.

For the Respondents: Mr. Suraj Prakash, A.C. to S.C. Mines.

02/28.03.2018 The petitioner has approached this Hon'ble Court with a direction to the respondents to extend the services of the petitioner from 14.01.2018 on daily wages basis.

2. The brief facts of the case is that the petitioner is working as Technician of Diesel Generating set and his services was extended time to time and he continued in the Department as Casual Technician. He has served in the Department as Casual Technician since last 28 years. Vide memo No. 2018 dated 25.07.2017 the services of the petitioner was extended on condition that further extension of services of petitioner cannot be made as petitioner has attained the age of 65 years. Aggrieved thereto, the petitioner represented before the authorities for consideration of his case for extension of the age. Considering the pathetic condition of the petitioner, the respondents also forwarded the same before the concerned authorities for consideration of his case. As no orders were passed, the petitioner has knocked the door of this Hon'ble Court.

3. Mr. Shahjanand Sharma, learned Counsel for the petitioner argues that petitioner is physically fit and healthy and has not attained the age of retirement and as such services be extended as he is working there and has not been made to superannuate.

4. Learned Counsel further argued that sympathetic consideration can be given to the petitioner and a direction be given to the respondents to consider his case and pass a suitable order in accordance with law on the pending representation.

5. Learned Counsel for the State Mr. Suraj Prakash vehemently opposes the contention of the learned Counsel for the petitioner. Learned Counsel argues that at no stretch of imagination an employee can be allowed to continue to work after 65 years of age. It is settled principle of law that a Govt. servant has to superannuate on attaining the age of 60 years. The petitioner was appointed as casual labourer. No right has accrued to him to

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continue to the post even after 65 years.

6. Be that as it may, having gone through the rival submissions of the parties, this Court is of the considered view that no case is made out for interference. The petitioner has already continued to work for 28 years and has attained the age of 65 years. Even casual labourer, who continued to work for the period of 28 years cannot be allowed to continue even after 65 years. The age of retirement of an employee is 60 years in the State of Jharkhand. However, since the petitioner is still working and has represented before the authorities, the respondents are directed to pass a reasoned order on the pending representation of the petitioner in accordance with law with a copy to the petitioner within a period of six weeks from the date of receipt of a copy of this order.

7. The writ petition stands disposed of.

[Dr. S.N.Pathak,J.]

P.K.S.