

HIGH COURT OF MADHYA PRADESH : JABALPUR

FULL BENCH - I (Time 10:30 AM)

Daily Cause List dated : 18-07-2019

BEFORE: HON'BLE THE ACTING CHIEF JUSTICE & HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA & HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

Court Room No.: 3

Note:- CASES FOR FINAL HEARING SHALL BE TAKEN UP BY ALL THE BENCHES IMMEDIATELY AFTER COMPLETION OF MOTION HEARING.

NOTE : The facility of PoS (Point of Sale) machine for making online court fee is available at Presentation Centre of High Court of M.P., Jabalpur.

MOTION HEARING

[ORDERS]

SN	Case No	Petitioner / Respondent	Petitioner/Respondent Advocate
1	RP 00509/2019	SMT. RENU SHIVASTAVA Versus THE STATE OF MADHYA PRADESH	UMESH SHRIVASTAVA, DR. KU. VIJAY BHATNAGAR ADVOCATE GENERAL
<p>SERVICE RELATING TO STATE GOVT.-17100 - Superannuation-17145 - Reduction in the Age of Retirement CIVIL PROCEDURE & LIMITATION-11300 - Code of Civil Procedure, 1908-11301 - REVIEW (ORDER 47 RULE 1 CPC). Relief - FOR REVIEW THE ORDER DT. 25.01.2018 PASSED IN WA 613/2016 {Fixed Date/SPC} IA NO.5298/2019-ALLOW TO FILE REVIEW PETITION AND IA NO.4827/2019-U/S 5 OF LIMITATION ACT(PETITION IS TIME BARRED BY 407 DAYS) AND TO DECLARE PARA 43 OF C.O.DATED 25/1/2018 PASSED BY FULL BENCH IN W.A.613/2016 AS OBITER DICTA.PARA 43 IS BEING REPRODUCED HERE UNDER.PARA 43-NOW THE QUESTION ARISES IS THAT WHAT RELIEF SHOULD BE GRANTED TO THE TEACHERS, WHO STAND SUPERANNUATED ON ATTAINING THE AGE OF SUPERANNUATION OF 60 YEARS PRIOR TO THE JUDGMENT. THE PROVISIONS OF THE ACT ARE TO EXTEND THE AGE OF SUPERANNUATION OF THE TEACHERS SO THAT SERVICES OF EXPERIENCED WORK-FORCE OF THE TEACHER ARE UTILIZED FOR CONSTRUCTIVE WORK OF IMPARTING EDUCATION FOR ANOTHER PERIOD OF TWO YEARS. THE PROVISION IS NOT MEANT FOR A PERSONAL BENEFIT OF THE TEACHERS BUT FOR LARGER PUBLIC GOOD THAT THE EXPERIENCED TEACHERS SHOULD IMPART EDUCATION FOR ANOTHER PERIOD OF TWO YEARS. IN VIEW OF THE SAID FACT, WE HOLD THAT THE TEACHERS, WHO HAVE ATTAINED THE AGE OF 62 YEARS PRIOR TO THE ORDER OF THIS COURT PASSED TODAY, SHALL NOT BE ENTITLED TO ANY CONSEQUENTIAL BENEFIT OF PAY AND ALLOWANCES BUT THE TEACHERS, WHO HAVE NOT ATTAINED THE AGE OF 62 YEARS, SHALL BE CALLED UPON TO PERFORM THEIR DUTIES UP-TO THE AGE OF 62 YEARS.</p>			

TOTAL CASES : 1 (with connected matters)

PR (J) / R (J-I) / R(J-II)