

The State of Madhya Pradesh Vs. Tatu

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Court : Madhya Pradesh

Decided On : Jun-28-2013

Appellant : The State of Madhya Pradesh

Respondent : Tatu

Judgement :

W.P.No.10506/2013 State of M.P. & Ano. vs. Tat

28. 06.2013 Heard Shri S.M.Lal, learned Govt.

Advocate for the petitioner/State.

The petitioner/State has filed this petition being aggrieved by award dated 26.4.2012 by which the respondent, who was working as a Gangman and was superannuated on completing 30 years of service, has been reinstated with 50% back wages from the date of the award and has also granted 12% simple interest per annum from the date of the award till the date of payment of 50% back wages.

It is submitted by the learned Govt.

Advocate appearing for the petitioner/State that the respondent has rightly been superannuated on her completing 30 years of service in view of the circular of the State Government dated 7/14.12.2001 but the court below has not considered the aforesaid aspect.

Having heard the learned Govt.

Advocate appearing for the petitioner/State, it is observed that the issue raised by the State is covered by a Full Bench decision of this Court rendered in the case of Vishnu Mutiya and others versus State of M.P. and others. 2006 (1) MPLJ 23 wherein this Court has held that Gangman, being a person employed under the provisions of the relevant rules, are entitled to continue upto the age of superannuation W.P.No.10506/2013 State of M.P. & Ano. vs. Tatu 2 prescribed by law and cannot be removed simply on the ground that they have completed 30 years of service even when they have not reached the age of superannuation.

In view of the Full Bench decision of this Court in the aforesaid case, I find no merit in the present petition which is, accordingly, dismissed.

It is, however, observed that the stipulation regarding 12% simple interest would come into operation in case the 50% back wages, awarded by the court below, are not disbursed to the respondent within one month from today.

With the aforesaid observation, the petition, filed by the petitioner, stands dismissed.

C.C as per rules.

(R.S.JHA) JUDGE mms/-

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