

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No(s). 1052/2017

DEVI RAM & ANR.

Appellant(s)

VERSUS

STATE OF U.P. & ANR.

Respondent(s)

WITH

C.A. No. 1051/2017

O R D E R

These appeals by special leave arise out of the judgment and order dated 22.07.2016 passed by the High Court of Judicature at Allahabad dismissing Writ Petition (C) No.23049 of 2016. It was submitted on behalf of the writ petitioners that a proposal was made by the Greater Noida Development Authority for enhancement of the age of retirement of its employees from 58 years to 60 years and that the petitioners were therefore, entitled to the enhancement in the age of superannuation. The submission was considered by the High Court and the Writ Petition was found to be without any substance and, therefore, dismissed.

This Court issued notice on 29.07.2016 and leave to appeal was thereafter granted on 24.01.2017.

Appearing for the appellants Ms. Rachna Srivastava, learned Advocate invited our attention to the U.P. Industrial Development Authority Centralized Services Rules, 2018, in terms of which the

age of superannuation for the employees of Industrial Area Development Authorities in the State of U.P. was raised from 58 years to 60 years.

The applicability of said Rules is prospective in nature and does not cover the cases of employees who had attained the age of superannuation before the Rules came into effect.

Mr. Pramod Swarup, learned Senior Advocate appearing for the State also submitted that the benefit under said Rules would not be available to employees of all Industrial Development Authorities and that it would be restricted to the authorities running in profit. This part was disputed by Ms. Rachna Srivastava.

We need not go into this issue as the appellants had attained the age of superannuation much before the Rules came into effect.

In any case, we are in agreement with the conclusions arrived at by the High Court and merely because a proposal was made, the employees would not be entitled to the enhancement in the retirement age as the proposal was not accepted. We, therefore, see no substance in these appeals. The appeals are therefore, dismissed without any order as to costs.

.....J.
(UDAY UMESH LALIT)

.....J.
(VINEET SARAN)

New Delhi
August 11, 2020.

