

ITEM NO.111

COURT NO.7

SECTION XVI

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 1683 OF 2005

A.BENGAL STATE GOVT.COLLEGE TEACHER.ASSN

Appellant (s)

VERSUS

STATE OF WEST BENGAL & ORS.

Respondent(s)

Date: 20/04/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU  
HON'BLE MR. JUSTICE A.K. PATNAIK

For Appellant(s)

In-Person

For Respondent(s)

Mr. T.C. Sharma, Adv.  
Ms. Neelam Sharma, Adv.

Mr. Ashok Bhan, Adv.  
Mr. Naresh Kaushik, Adv.  
Ms. Sadhana Sandhu, Adv.  
Ch. Shamshuddin, Adv.for  
Mr. Shreekant N. Terdal ,Adv

Mr. Amitesh Kumar, Adv.  
Mr. Ravi Kant, Adv.for  
Mr. Lakshmi Raman Singh ,Adv

UPON hearing counsel the Court made the following  
O R D E R

The Appeal is disposed of in terms of the signed  
order. No costs.

(Parveen Kr. Chawla)  
Court Master

( Indu Satija )  
Court Master

[signed order is placed on the file]  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1683 OF 2005

All Bengal State Government College  
Teachers' Association

..Appellant

versus

State of West Bengal & Others

..Respondents

O R D E R

Shri Benoy Bhushon Chakraborty, the General Secretary of the All Bengal State Government College

Teachers' Association has appeared in person and argued the case with great ability.

S/Shri Tara Chand Sharma, Ashok Bhan and Amitesh Kumar, Advocates have appeared for the State of West Bengal, Union of India and University Grants Commission respectively.

Shri Chakraborty submitted that the age of retirement of the teachers in Government Colleges in the State of West Bengal should be increased.

We cannot issue any direction to the State Government to increase the age of superannuation since increasing the age of superannuation is within the domain of the legislature or executive and certainly not within the domain of the judiciary. However, we agree with Shri Chakraborty that since teachers are doing only intellectual work and not physical work, the age of retirement from 60 years should be increased. Also, longevity in this country has increased. As observed earlier, we cannot issue a

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direction to the State Government to raise the age of superannuation but we recommend to the State Government to consider this aspect of the matter sympathetically and consider increase of the age of superannuation in respect of teachers to 62 years throughout the State because they only do the intellectual work and not physical work.

The Appeal is disposed of in the above terms. No costs.

.....J.  
[MARKANDEY KATJU]

NEW DELHI;  
APRIL 20, 2010

.....J.  
[A.K. PATNAIK]