

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

WP(C).No. 25956 of 2007 (M)

PETITIONERS :

1. P R F LABOUR UNION (STU),
REGISTER NO.03-13/88, VALANJAVATTOM, THIRUVALLA
REPRESENTED BY ITS GENERAL SECRETARY M.KHALID.
2. P.R.F.WORKERS UNION(CITU),
REGISTER NO.59/1123(M.E), VALANJAVATTOM, THIRUVALLA
REPRESENTED BY ITS GENERAL SECRETARY, VARGHESE.
3. T.S.C.EMPLOYEE UNION(I.N.T.U.C),
REGISTER NO.59/1955, VALANJAVATTOM, THIRUVALLA
REPRESENTED BY ITS GENERAL SECRETARY, P.M.JOHN.

BY ADVS.SRI.N.SUKUMARAN
SRI.S.SHYAM
SRI.N.K.KARNIS

RESPONDENTS :

1. TRAVANCORE SUGERS AND CHEMICALS LTD.
VALANJAVATTOM, THIRUVALLA-4
REPRESENTED BY ITS MANAGING DIRECTOR.
2. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY TO INDUSTRIES DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM.
3. PRINCIPAL SECRETARY TO GOVERNMENT OF
KERALA, INDUSTRIES DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM.

R2 & 3 BY GOVERNMENT PLEADER SRI.ABHIJETT LESSIL
R1 BY SR.ADV.SRI.E.K.NANDAKUMAR
SRI.K.JOHN MATHAI
SRI.P.BENNY THOMAS
SRI.ANIL D. NAIR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 25956 of 2007 (M)

APPENDIX

PETITIONERS' EXHIBITS :

EXT.P1 : COPY OF THE ORDER OF THE 3RD RESPONDENT DT.3.8.2007

EXT.P2 : COPY OF THE ORDER OF THE 2ND RESPONDENT DT.12.12.2005

EXT.P3 : COPY OF THE ORDER OF THE 2ND RESPONDENT DT.15.12.2005

EXT.P4 : COPY OF THE ORDER OF RESPONDENT DT.24.6.2006

EXT.P5 : COPY OF THE MINUTES OF THE DIRECTOR BOARD MEETING OF THE 1ST
RESPONDENT ON 30.6.2006

EXT.P6 : COPY OF THE REPRESENTATION SUBMITTED BY THE 1ST PETITIONER BEFORE
THE 1ST RESPONDENT DATED 21.8.2007

EXT.P7 : COPY OF THE ORDER ISSUED BY THE GOVERNMENT OF KERALA BEARING
NO.3453/F3/06/ID DATED 25.8.2006

RESPONDENTS' EXHIBITS : NIL

/TRUE COPY/

P.A TO JUDGE

AV

K.SURENDRA MOHAN, J.

W.P.(C) No.25956 of 2007

Dated this the 5th day of February, 2015

J U D G M E N T

The petitioners in this writ petition are Trade Unions representing the employees of the 1st respondent. According to them, the employees are entitled to continue in service until they attain the age of 60 years. They have filed this writ petition challenging Ext.P1 order by which the 2nd respondent has reduced the retirement age from 60 to 58 years. According to the petitioners, the Government had decided initially to reduce the retirement age to 58 but had stayed the said order as per Ext.P3. Later on, by Ext.P4 Government Order, the retirement age has been restored to 60. On the basis of Ext.P4, the Board of Directors of the 1st respondent decided on 30.06.2006 that the retirement age of all existing employees of the 1st respondent shall be 60. The said minutes is Ext.P5.

2. This writ petition was admitted on 24.08.2007 and an interim order of stay of Ext.P1 was granted, which is still in force. In the meantime, a meeting was convened by the Minister for Excise on 26.03.2013 to decide *inter alia*, the question of retirement age of the employees of the 1st respondent Company also. Pursuant to the decisions taken at the meeting, as per G.O.(Rt.)No.505/2013/TD Dated 28.06.2013 a One Man Commission has been appointed by the Government to study and submit a report regarding the age of retirement of employees of the 1st respondent. The said One Man

Commission is in the process of preparing its report. However, no report has been submitted to the Government yet.

3. The Government itself has decided to reconsider the question of retirement age of the employees of the 1st respondent and has appointed a One Man Commission to submit a report to it. In view of the above, it is only appropriate that the parties abide by the report to be submitted by the One Man Commission. Until then, it is sufficient that the *status quo* with respect to the retirement age of the employees is maintained. The above being the position, it is not necessary for me to consider the merits of the respective claims of the petitioners or the respondents. It shall be sufficient that this writ petition is disposed of maintaining the interim order that has been in force from 2007 onwards, until the One Man Commission submits its report and the Government takes a decision thereon.

In view of the above, this writ petition is disposed of directing that the parties shall abide by the decision to be taken by the Government after considering the One Man Commission report that has been appointed to go into the question of retirement age of the employees. Needless to observe that the employees shall be at liberty to challenge the said decision, if they are aggrieved by the same.

Sd/-
K.SURENDRA MOHAN, JUDGE.