

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

WP(C).No. 34133 of 2015 (N)

PETITIONER(S):

1. SURESH A.S
JUNIOR SUPERINTENDENT
COLLEGE OF ENGINEERING, KALLOOPPARA
PATHANAMTHITTA DIST., RESIDING AT ALAKKATTU HOUSE'
KUZHIMATTOM P.O, PANACHIKKAD, KOTTAYAM

2. SAYEEDA BEEVI M.M
JUNIOR SUPERINTENDENT
MODEL ENGINEERING COLLEGE, ERNAKULAM
RESIDING AT PADANATTU PUTHEN PURAYIL VEEDU
P.O THENGOODE, EDACHIRA, ERNAKULAM

BY ADV. SRI.S.MOHAMMED AL RAFI

RESPONDENT(S):

1. INSTITUTE OF HUMAN RESOURCES DEVELOPMENT
REPRESENTED BY ITS DIRECTOR
PRAJOE TOWERS, VAZHUTHACAUD
THIRUVANANTHAPURAM - 695 014.

2. STATE OF KERALA
REPRESENTED BY ADDITIONAL CHIEF SECRETARY
HIGHER EDUCATION DEPARTMENT
GOVT. SECRETARIAT
THIRUVANANTHAPURAM 695 001.

R BY GOVERNMENT PLEADER SRI. S. JAMAL
R BY SRI.V.A.MOHAMMED, SC, IHRD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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APPENDIX

PETITIONERS EXHIBITS:

- EXT.P1 COPY OF THE G.O(MS) NO. 43/2014/P&ARD DTD, 27.12.14
- EXT.P2 COPY OF THE G.O(MS) NO. 108/2014/ID DTD. 31.7.14
- EXT.P3 COPY OF THE REPRESENTATION DTD. 30.8.14 SUBMITTED BY THE
PETITIONER BEFORE THE HON'BLE CHIEF MINISTER OF KERALA
- EXT.P COPY OF LETTER DTD. 28.7.15 ISSUED BY THE 1ST RESPONDENT
TO THE 2ND RESPONDENT.

RESPONDENTS EXHIBITS:

NIL

// TRUE COPY //

PA TO JUDGE

SB

K. VINOD CHANDRAN, J.

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Dated this the 12th day of November, 2015

J U D G M E N T

Two employees of the 1st respondent are before this Court seeking consideration of Ext.P4 by the Government and their continuance in service till the same is considered. Both the petitioners are reaching their superannuation date, since, they are admitted to be 58 years of age, the age of retirement in the 1st respondent. Ext.P4 is a communication by the Director to the Government, seeking consideration of the 1st petitioner's request for enhancement of retirement age.

2. Essentially, it has to be noticed that such a decision has to be taken initially by the governing body of the 1st respondent for enhancement of the age of retirement and the same send to the Government for approval and sanction. It is

also to be emphasised that age of superannuation is a policy matter, in which this Court cannot interfere; nor can this Court issue a mandamus for consideration of such request made by the employees. Such policy decision has to be arrived at by the governing body and if necessary, by the Government after weighing the various considerations like the financial capacity of the organisation, the number of employees, the need to retain experienced hands, as against the requirement of infusion of young blood into the organisation and so on and so forth.

3. These are not matters which could be considered exercising discretionary jurisdiction of this Court under Article 226 of the Constitution of India. Further it is to be specifically noticed that even in Ext.P4, it is indicated that the Executive Committee of the 1st respondent by its decision arrived at the 92th meeting on 12.05.2015, rejected the proposal for enhancing the retirement age from 58 to 60. In such circumstance, this

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Court finds no reason why Ext.P4 should be directed to be considered; much less any reason to direct continuance of the petitioners.

The writ petition would stand dismissed in limine.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB/12/11/2015

// true copy //

P.A to Judge.