

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 3344 OF 1989

Petroleum Employees Union

.. Petitioner

v/s.

Union of India & Ors.

.. Respondents

Mr. S.S. Pakale for the petitioner

Mr . Pratik Salgaonkar i/b C.r Bayley & Co. for respondent nos. 2 and 3.

Mr. A.R. Malhotra a/w N.A. Kazi for the respondent no.4

CORAM : M.S. SANKLECHA &

A.K. MENON, J.J.

DATED : 14th JULY, 2016.

PC.

1. On 16th April, 2004, this Court had ordered that the present petition be listed along with Writ Petition No.820 of 1989 for final disposal as it raised identical issues.

2. Mr. Salgaonkar, learned Counsel appearing for respondent nos. 2 and 3 tenders the order of this Court dated 5th January, 2011 passed in Writ Petition No.820 of 1989 which reads as under :-

“None appears for the petitioner when the matter is called out even in the second round after recess. The matter could

have been dismissed for default in normal course, however, the learned counsel for the respondents submits that the challenge levelled by the petitioner in the petition is to the superannuation scheme framed and implemented long back in 1989. He further submits that the challenge may not be examined at this stage as the scheme has been implemented for more than 20 years.

2. Considering the above facts, it will not be possible now to grant reliefs as claimed by the petitioner.

In view of the above situation, we dismiss this petition.”

3. Mr. Pakale, learned Counsel appearing in support of the petition is unable to show any distinguishing features in this petition to that existing in Writ Petition No.820 of 1989 which would warrant our taking a different view.

4. Accordingly, the present Petition is dismissed. No order as to costs.

(A.K. MENON, J.)

(M.S. SANKLECHA, J.)