

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

WP.No.25485 of 2012

MP.No.1 of 2012

VR (HPF) Senior Citizens Welfare Association
by its Secretary G.Subramanya Kaushik
Ootacamund 643006

Petitioner

Vs

1.Union of India by its Secretary, Ministry of Heavy
Industries and Public Enterprises (Department of
Public Enterprises),
Block No.14, CGO Complex
Lodhi Road, New Delhi

2.The Chairman cum Managing Director
Hindustan Photo Films, Indu Nagar
Ootacamund 643 005

Respondents

Prayer:- This Writ Petition is filed to issue a Writ of Mandamus directing the 2nd Respondent to grant wage revision to the members of the Petitioner mentioned in the annexure to the Writ Petition @ 60% as adjustable amount as sanctioned to the existing employees of the 2nd Respondent as per the Memorandum of Understanding dated 14.8.1995.

For Petitioner : Mr.G.Govindarajan

For Respondents : Mr.Ravichandran, CGSC-R1
Mrs.Rita Chandrasekar-R2

ORDER

This Writ Petition has been filed by the retired employees association on the basis of Memorandum of Understanding entered into in the year 1995 for wage revision and seeking wage revision and 60% as adjustable amount.

2. This court heard the learned counsel on either side and also perused the materials placed on record.

3. According to the Petitioner, as per the Memorandum of Understanding, though 5% of wage revision was sanctioned, but

it was not given subsequently and thereafter, only in the year 2011, revision was given to certain employees, but, it was also not given to them. Under the Memorandum of Understanding, a clause says that it will be applicable even to the retired employees and therefore, the members of the Petitioner Association are also entitled for the alleged entitlement, which was given in the year 2011.

4. A detailed counter has been filed by the 2nd Respondent, stating that the wage revision was given only to those employees who opted for VRS Scheme, which was framed by the Ministry of Heavy Industries for 687 employees, whose wage revision was stagnated. However, the benefit of 60% adjustable amount extended in the year 2001 was withdrawn in the year 2013 and hence, this Writ Petition is not maintainable that too when it was only given to those persons who are on roll on that particular date. Therefore, that cannot be applicable to the retired persons. Even otherwise, since the said revision has been withdrawn the present prayer cannot be sustained.

5. As rightly pointed out by the learned counsel for the Respondents, first of all, this Writ Petition pertains to a relief of the year 1995 and the members of the Petitioner Association were not given the revision and according to them, revision in the year 2011 was given to the existing employees. Since the wage revision was given only to the persons who have opted for VRS Scheme and were on roll and since that has been withdrawn in the year 2013 and the members of the Petitioner Association retired from the services on attaining the age of superannuation, the prayer in this Writ Petition as such cannot be granted. Accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected MP is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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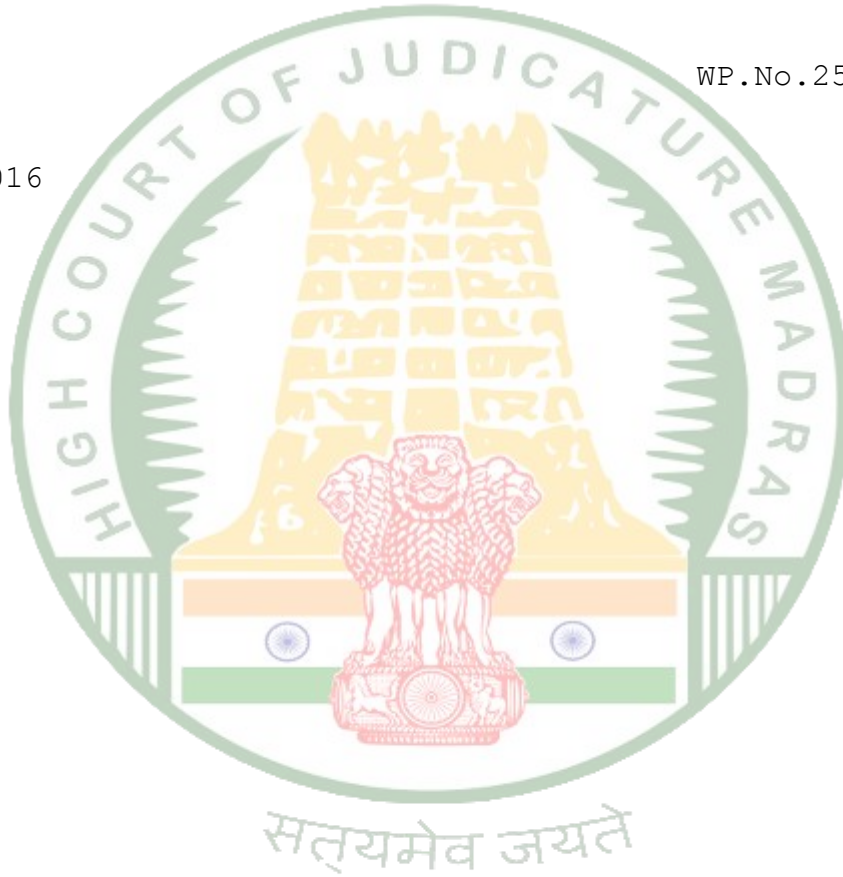
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To:
The Secretary,
Union of India
Ministry of Heavy Industries and Public Enterprises
(Department of Public Enterprises),
Block No.14, CGO Complex, Lodhi Road,
New Delhi

+1 cc to M/s.Aiyar & Dolia Advocate sr 46005

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