

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.23705 of 2008

ORDER:

This writ petition is filed seeking to declare the notice No.SPP/AI/2008-09/Option Forms/4588, dated 16.10.2008 calling for options from the petitioners for absorption into service of the 2nd respondent Corporation and mandating them to submit such option on or before 31.10.2008 pursuant to the Memorandum of Settlement dated 15.09.2008 and further holding that the petitioners would become the employees of the Corporation with effect from 01.11.2008 and consequently direct the respondents to treat the petitioners as Government Employees on deemed deputation in the 2nd respondent Corporation till they attain the age of superannuation with consequential benefits.

2. At the outset, it may be noted that though originally writ petition came to be filed by 18 petitioners, during the pendency of the writ petition, except writ petitioner Nos.2 to 5, 7, 12, 14 & 18, all other writ petitioners have filed applications before this court seeking withdrawal of the writ petition. The respective individuals have opted to withdraw the writ petition as they had exercised their option pursuant to the options given to them either to accept the option No.1 or No.2 in terms of the Settlement dated 15.09.2008 reached *suo motu* under the Industrial Disputes Act, 1947 (for short, "the Act"). Accordingly, the respective individuals' cases were dismissed as withdrawn.

3. Learned counsel for the petitioners submits that though the other petitioners had also instructed him to withdraw orally, inasmuch as he does

not have any written instructions and hence, he pleads for passing orders on merits.

4. Heard learned counsel for the petitioners and learned Standing Counsel for the Central Government.

5. The facts are not in dispute. It may be noted that the petitioners are all employees of the Central Government working in different cadres. Pursuant to the policy decision taken to close down the unit which was carrying on the making and printing of coins, notes, stamps etc., on behalf of the Government of India, by creating a corporate entity under the name and style of Security Printing Press, A unit of Security Printing and Minting Corporation of India Limited, a settlement was reached before the Chief Labour Commissioner, dated 15.09.2008 between the Union members and the said Corporation under Section 12(3) of the Act. The terms of which have been set out in the settlement deed in Form (H). Under the scheme there were two options given to the petitioners. It is not necessary for this court to enter into the same.

6. It is not in dispute that the petitioners had opted to be treated as employees of the Corporation. However, the relief that is claimed in the writ petition is notwithstanding the exercise of their option, they seek to be treated as employees of the Central Government till the age of superannuation. It may be noted that a settlement reached under Section 12(3) of the Act is binding on all the employees. Though petitioners were absorbed into the services of the Corporation, they seek to be treated as Central Government employees till the date of superannuation. If they are aggrieved with any of the terms of the settlement, necessarily they have to

approach the Labour Court seeking relief. In the present case, there is no dispute that the petitioners have opted to be treated as employees of the Corporation in which event they cannot seek partial implementation of the scheme and partially to be treated as Central Government employees.

7. In those circumstances, the writ petition itself is misconceived and is liable to be dismissed.

Writ Petition is accordingly dismissed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

December 6, 2016
LMV



JUSTICE CHALLA KODANDA RAM