

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.1485 OF 2010

ORDER:

The petitioner joined the first respondent company on 13.03.1976 as a Technician Trainee and he was transferred to HMT Kerala Unit of the 1st respondent. There he was promoted as Assistant General Manager w.e.f. 01.07.2004 and was transferred to Hyderabad unit. While so, the first respondent issued a letter to the petitioner on 03.01.2010 intimating that he was attaining the age of superannuation by 31.01.2010 as per rules of the company. Challenging the said order, the present writ petition was filed on the ground that the superannuation age in public sector employees is 60 years, but not 58 years.

2. A counter affidavit is filed on behalf of the respondents stating the following:

"it is submitted that pursuant to the policy of Government of India and directions of Ministry of Heavy Industries and Public Enterprises, Department of Heavy Industry to reduce the age of superannuation from 60 years to 58 years in respect of employees as well as Board Level Executives for the PSUs who are making marginally profits, and/or loss making. In compliance with the spirit of Government of India, keeping in view all extenuating circumstances of the Company the Board of Directors decided to reduce the age of superannuation of employees from 60 to 58 years and same was approved by Government of India.

I submit that clause 24.2 of the HMT Machine Tools Limited conduct, Discipline and Appeal Rules has been amended in accordance with the directions of the Government of India, Ministry of Heavy Industries and Public Enterprises vide letter F.No.15(14)2001/PE-X, dated 28.10.2002. In so far as the workers are concerned, standing orders have been modified by following the procedure prescribed by the Certifying Officer under Industrial Employment (Standing Orders) Act, 1946 and Regional Labour Commissioner (Central), Hyderabad and the appeals filed by the Unions also stood dismissed by Dy. Chief Labour Commissioner (Central) and Appellate Authority under Industrial Employment (Standing Orders) Act, 1946 who by

communication dated 30.11.2004 dismissed the said appeal confirming the order of Certifying Authority.”

It is further stated that the age of the superannuation of both officer as well as workers has been reduced by following the procedure prescribed and without assailing those orders, the writ petition is not maintainable.

3. After filing the writ petition, there were no interim orders as a consequence of which the petitioner retired from service. Challenge made in the present writ petition is with regard to the intimation of attaining the age of superannuation as on 31.01.2010. The petitioner did not challenge the orders of the Government or the first respondent reducing the age of superannuation from 60 years to 58 years. In the circumstances, this Court sees no ground to interfere with the impugned order and hence, the writ petition is liable to be dismissed.

4. Accordingly, the writ petition is dismissed. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 30-03-2016

Kvrm