

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION Nos.38433 of 2014 & 22729 of 2013

COMMON ORDER:

Since the issue involved in both the writ petitions is one and the same, both the writ petitions are disposed of by this common order.

2. These Writ Petitions came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in not allowing the petitioners to discharge their duties till they attain the age of 60 years, as illegal and arbitrary.

3. The averments in the affidavit filed in support of the writ petitions would show that the petitioners were formerly employees of Bharath Heavy Plate and Vessels Limited (BHPVL) and at the time of filing of writ petitions, they were retired employees of respondent No.3 (BHEL). It is stated that due to financial crisis, BHEL was taken over by BHPVL, wherein the rules and regulations of BHEL were implemented. As per their rules, the age of the superannuation to the employees was 60 years, but however, the petitioners were mechanically retired from their service at the age of 58 years. It is stated that much prior to merger of the company, the BHPV Employee Union submitted their representation before the authorities as well as to the Government with three issues viz. implementation of 1997 wage revision, enhancement of retirement age of the employee from 58 years to 60 years and regularization of 'R' Series. The issue with regard to enhancement of retirement age of the employee was said to have been kept pending. The inaction of the respondents in not enhancing the retirement age of the petitioners, in view of said merger, lead to filing of the present writ petitions.

4. Issue identical to the case on hand came up for consideration before this Court in W.P.Nos.13272, 13839 and 15478 of 2008. Learned Single Judge of this

Court, vide order dated 30.06.2008, after considering the matter at length, dismissed the said writ petitions. Challenging the same, the petitioners therein preferred W.A.No.775 of 2008. By an order dated 30.07.2008, the said writ appeal was dismissed. Further, learned counsel for the petitioners would submit that having regard to the approval from the cabinet with regard to merging, the petitioners are entitled for the said relief.

5. But, it is to be noted that the issue on hand was decided by the learned Single Judge which was also approved by the Division Bench as well.

6. In view of the above, the request of the petitioners cannot be considered. However, the petitioners are at liberty to avail the remedies, if any, available under law.

7. Accordingly, the writ petitions are disposed of. No costs.

Consequently, miscellaneous petitions, if any, pending in these Writ Petitions shall stand closed.



JUSTICE C. PRAVEEN KUMAR

24.04.2017
vhb