

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE Ms. JUSTICE J. UMA DEVI

Contempt Case Nos.2331, 2391, 2423, 2490 and 2738 of 2017

Common Order: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

The order of this Court, violation of which is alleged in the present Contempt Cases, is the order passed in W.P. No. 28244 of 2017 and batch dated 29.8.2017. The said order required the Andhra Pradesh Heavy Machinery and Engineering Ltd (APHMEL), Kondapalli, Krishna District to take a decision regarding enhancement of the age of superannuation of its employees, from 58 to 60 years, within one month; in case, the Corporation took a decision to enhance the age of superannuation of its employees from 58 to 60 years, it should then, in the light of GO Ms. No.138 dated 8.8.2017, reinstate all those employees who retired from service on attaining the age of 58 years but had not attained 60 years of age; and to continue them in service till they reach the age of superannuation of 60 years.

Sri J. Prabhakar, learned counsel for the respondents, would place before us an Office Note of the APHMEL, Kondapalli dated 3.10.2017, a copy of which has been handed over to Ms. V. Baby Rani, learned counsel for the petitioners, across the bar. The said Office Note contains the extract of the Minutes of the 209th meeting of the Board of Directors of the Company held on 4.9.2017. Para 8.3 thereof refers to several factors which the Board took into consideration and thereafter, at para 8.4, it is stated that after detailed deliberations, keeping in view the position of the Company brought out in Minute No. 8.3 and absence of assured orders and customer base, increase in cost of production, less competitiveness, the burden of higher wage cost of senior level employees and its consequent effect on cost of production and

competitiveness, the Board had decided to retain the existing age of superannuation of APHMEL ie, 58 years as the financial position of the company did not support enhancement of the age of superannuation from 58 to 60 years; and there was no genuineness of the need for such enhancement.

Since the Board of Directors of the Company have taken a decision not to enhance the age of superannuation from 58 to 60 years, it is evident that the order, violation of which is alleged in the present Contempt Cases, has been complied with.

While Ms. V. Baby Rani, learned counsel for the petitioners, would contend that the said order does not accord with law, these are matters extraneous to these contempt proceedings, and can only be agitated in independent legal proceedings.

As the order of this Court has since been complied with, we see no reason to keep the Contempt Cases pending on the file of this Court. All these Contempt Cases are, accordingly, dismissed. No order as to costs.

(RAMESH RANGANATHAN, ACJ)

(J. UMA DEVI, J)

2nd February, 2018

pnb

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE Ms. JUSTICE J. UMA DEVI



Contempt Case Nos.2331, 2391, 2423, 2490 and 2738 of 2017

Date: 2.2.2018

pnb

