



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.1616 OF 2016

AND

W.M.P.NOS.1372 & 1373 OF 2016

R.Madaiyan

...Petitioner

-Vs-

1.The Chief Operating Officer,
SAIL Refractory Company Limited,
Steel Authority of India,
Salem.

2.The Deputy General Manager (P&A),
SAIL Refractory Company Limited,
Steel Authority of India,
Salem 636 005.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the order made in SRCL/P&A/2015/RTMT/00274 dated 01.06.2015 issued by the 2nd respondent and quash the same and further directing the respondents to continue the petitioner in the service as Senior Operator cum Senior Technician in the respondent Company till attaining the age of 60 years as per the modified standing order duly certified by the Regional Labour Commissioner @, Chennai.

For Petitioner : Mr.K.Kalaikovan

For Respondents : Mr.Haroon Al Rasheed for
M/s.T.S.Gopalan & Co

O R D E R

By placing the order of the Appellate Authority dated 20.11.2015 passed under Sub Section (1) of Section (6) of Industrial Employment (Standing Orders) Act, 1946, whereby the superannuation of the employee of the respondent Company was declared as 60, the petitioner herein has challenged the order of the Management declining to permit him to continue his service till 60 years, in the present Writ Petition.



2.It is not in dispute that the petitioner has now crossed the age of 60 years and that between 58 and 60 years, he had not worked in the respondent Company. The petitioner now claims monitory benefits for the period between his age of 58 and 60 years. When the petitioner had not worked with the respondent Company after the age of 58 years, the principle of "No Work No Pay" would apply and as such directing the respondent to pay monitory benefits for this non employed period would not be appropriate.

3.At this juncture, the learned counsel for the Management would submit that the order of the Appellate Authority dated 20.11.2015 declaring the age of superannuation to the employees of the respondent Company has been stayed by this Court in W.P.No.37471 of 2015 and the Writ Petition is said to be pending.

4.In view of the fact that the petitioner has now crossed the age of 60 years, no effective orders can be passed in the present Writ Petition, either to permit the petitioner to continue his service or directing the Management to disburse the monitory benefits. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

vkrr

To:

- 1.The Chief Operating Officer,
SAIL Refractory Company Limited,
Steel Authority of India,
Salem.
- 2.The Deputy General Manager (P&A),
SAIL Refractory Company Limited,
Steel Authority of India,
Salem 636 005.

W.P.No.1616 of 2016
and W.M.P.Nos.1372 & 1373 of 2016

MG(CO)
RVM(30/12/2021)