



W.P.No.12329 of 2

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12329 of 2016

- 1.D.Inbamani
- 2.P.Amavasaiyan
- 3.A.V.Selvavinayagam
- 4.K.R.Ravindranath
- 5.R.Babu
- 6.A.Gunalan
- 7.R.Elangosanthurma
- 8.R.Balasekaran

... Petitioners

Vs.

- 1.The Union of India,
Rep. by the Secretary
Ministry of Human Resource Development,
Department of Higher Education,
Dr.Rajendra Prasad Road,
New Delhi 110 001.
- 2.The Director,
IIT Madras,
Guindy,
Chennai.

... Respondents



Prayer: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to revise the retirement age of the petitioners from 60 to 65 years on par with the other group of employees of the respondents as there cannot be any discrimination between the officials of the respondents in the grant of service benefit.

For Petitioners : Mr.V.S.Jagadeesan

For R1 : Mr.T.L.Thirumalaisamy

For R2 : Mr.Karthik Rajan

ORDER

The relief sought for in the present writ petition is to direct the respondents to revise the retirement age of the writ petitioners from 60 to 65 on par with the teaching faculties.

2. The petitioners have served as Technical Superintendent, Senior Technician, Producer, Pharmacist, Senior Assistant, Junior Technical Superintendent, Senior Pharmacist, etc.

3. The grievances of the writ petitioners are that the retirement age of



the teaching faculty was enhanced by the respondents and a similar request made by the petitioners were not considered for enhancement of retirement age from 60 to 65 years.

4. The learned counsel for the petitioners drew the attention of this Court with reference to different age limits prescribed for retirement. Thus, it is contended that an uniformity is to be maintained in the matter of retirement age amongst the teaching and non-teaching staff in Indian Institute of Technology.

5. Age of retirement is a part of service conditions and a policy decision to be considered by the Government of India in the present case. High Court cannot issue any direction to enhance the age of retirement by exercising the power of judicial review under Article 226 of the Constitution of India. In respect of the service conditions or its modifications or for grant of benefits, the employees have to approach the competent authorities and in the present case the Government of India has to consider the issued and not the High Court in writ proceedings.



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6. That apart, the petitioners have already retired from service during the pendency of the writ petition and now receiving pension. That being the case, they are not entitled for any such enhancement of retirement age as they have allowed to retire from service and have received all the terminal and retirement benefits as applicable to them.

7. In view of the facts and circumstances, the relief as sought for to enhance retirement age cannot be considered by this Court in the present writ proceeding. If at all any other grievances exists to the writ petitioners, they are at liberty to approach the competent authorities.

8. Accordingly, the Writ Petition stands dismissed. No costs.

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Jeni
Index : Yes
Speaking order



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To

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S.M.SUBRAMANIAM, J.

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