

03.08.2023
Item No.75
Court No.11
Avijit Mitra

WPA 26825 of 2008

Calcutta Mint Employees Union & anr.

-versus-

Union of India & ors.

Mr. Arup Nath Bhattacharya,
Mr. Hemanta Kr. Das

...for the respondent nos.2 and 4

This writ petition was preferred primarily on the following relief :

“(a) A Writ in the nature of Mandamus do issue commanding the respondent no.2 to issue option form to the members of the petitioner so as to enable them to receive pensionary benefit for combined services rendered by them in the Government and future service in the Corporation as per CCS (Pension) Rules, 1972 as applicable to Central Government employees at the time of superannuation.”

Although the matter was taken up for hearing on repeated occasions but none has come up to represent the writ petitioners.

Mr. Das, learned advocate enters appearance on behalf of the respondent nos. 2 and 4. He submits that the issue raised in the writ petition has been settled and memorandum of settlement arrived at during the course of conciliation proceedings under Section 12(3) of the Industrial Disputes Act, 1947 before the Chief Labour Commissioner (C) on 15th September, 2008, was prepared. In the conciliation proceedings, both the petitioners participated and the petitioner no.2 put his signature on the

memorandum of settlement on behalf of the petitioner no.1. It was decided that the employees who are recruited before the 1st January, 2004 would be eligible for pension as per Rule 37(A) of CCS (Pension) Rules, 1972 and the employees who were recruited on or after 1st January, 2004 will be governed by a new Scheme notified on 22nd December, 2003. Memorandum of settlement as produced is retained with the record.

In such sequence of facts and circumstances since the issue has already been settled and the petitioners are the signatories of the memorandum of settlement, the terms and conditions of the settlement are binding upon the petitioners.

In view thereof, the writ petition is disposed of without any order.

There shall, however, be no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Partha Sarathi Chatterjee, J.)