



WEB COPY

W.P.No. 16737 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No. 16737 of 2022

and

W.M.P.No.16050 & 16051 of 2022

P.Mani

... Petitioner

Vs

1. SAIL Refractory Company Limited,
Rep. by its Chief Operating Officer,
Post Box No. 565,
BSCL Road, Salem - 636 005.

2. The Deputy General Manager
(Personnel and Administration)
SAIL Refractory Company Limited,
Post Box No. 565,
BSCL Road, Salem - 636 005.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the order No. SRCL/P&A/21-22/262(C)/669 dated 18.06.2022 passed by the second respondent and to quash the same as being illegal, arbitrary and contrary to the Award dated 16.02.2006 passed in I.D. No. 592 of 2001 and the order dated 06.03.2015 passed by the Certifying Officer and confirmed on



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20.11.2015 by the Appellate Authority under the Industrial Employment (Standing Orders) Act, 1946 and for consequential direction to the first respondent to continue the petitioner workman upto the age of 60 years as the first respondent has agreed to absorb them by an agreement dated 25.04.2013 in overall settlement of the Award dated 16.02.2006 passed in I.D. No. 592 of 2001.

For Petitioner : Mr.V.Govardhanan
For Respondents : Mr.A.V.Arun
Assisted by M.A.Aruneshe

ORDER

This writ petition is filed challenging the order dated 18.06.2022 passed by the second respondent on the ground that it is contrary to the award passed in I.D.No. 592 of 2001 dated 16.02.2006.

2. The contention of the original writ petitioner/workman is that the respondent Management is duty-bound to increase the date of superannuation age to 60 years and to continue the petitioner in service until the age of 60. It is seen that apart from this original petitioner namely, Mr.P.Mani, there were



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other employees who were allowed to continue by way of an interim order, pending the writ petition. These employees continued until the age of 60 and were deemed to be superannuated upon the age of 60 years and all appropriate dues have been paid to them. The writ petition was also subsequently disposed of recording the same.

3. As far as the present case is concerned, even though an interim order was granted in favour of this original petitioner, he died on 21.03.2023. Therefore in the writ petition, his legal heirs are substituted as petitioners.

4. In view of the orders passed in the connected writ petition, in this matter also the original petitioner Mr.P.Mani shall be deemed to be in service as on 21.03.2023 when he died and all the benefits which are due and payable upon his death while in service shall be paid to the petitioner's legal heirs who have been substituted. Similarly, if the legal heirs are entitled to any other benefits, such as a compassionate appointment, they are entitled to make application in accordance with law, which will be considered by the management in accordance with their rules and policies.



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5. With the above liberty given to the petitioners and by recording that the said Mr.P.Mani will be deemed to have died in harness while in service, and all the benefits accordingly ordered to be paid, this writ petition is disposed of. Consequently, connected miscellaneous petition are closed. No costs.

28.11.2024

Neutral Citation: Yes/No
nsl



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D.BHARATHA CHAKRAVARTHY, J.

nsI

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