



W.A(MD)No.584 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2024

CORAM :

**THE HONOURABLE MR.JUSTICE R.SURESHKUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

W.A(MD)No.584 of 2024

A.Satharkhan

... Appellant

vs.

1. The Board of Directors and Administrative Ministry,
Rep by its Managing Director,
BHEL Corporate Office,
BHEL House, Siri Fort,
New Delhi - 110 049.

2. The General Manager (Hr – Policy I, NIC and TMX),
BHEL Corporate Office,
BHEL House, Siri Fort,
New Delhi - 110 049.

3. The General Manager,
Human Resource Management (HRM)
24 Building, Main Office, BHEL,
Tiruchirappalli - 620014.

... Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent, against the order dated 10.02.2023 made in W.P(MD)No.6010 of 2018.

For Appellant : Mr.K.Hemakarthiskeyan



W.A(MD)No.584 of 2024

JUDGMENT

(Judgment of the Court was made by **R.SURESHKUMAR, J.**)

WEB COPY

This writ appeal has been directed against the order passed by the Writ Court, dated 10.02.2023, made in W.P(MD)No.6010 of 2018.

2. The present appellant is the petitioner before the Writ Court who was the employee of the respondent BHEL, who had resigned his job on medical reasons on 24.10.2016. Before which, a scheme had been introduced for providing pension to the employees, where Clause 4.8 makes it clear that severance of service by the employee on account of resignation, termination, compulsory retirement as a penalty, dismissal/removal because of disciplinary proceedings, will not be eligible under the scheme.

3. Knowing well that there has been a scheme, where, a clause like the one, has already been there, still, he had tendered the resignation on 24.10.2016, which was accepted by the employer.

4. Thereafter, after sometime, he had chosen to challenge the very Clause 4.8 of the scheme itself.



W.A(MD)No.584 of 2024

5. For making such a challenge, no plausible reason had been given.

If any scheme provided by the employer is challenged, it normally would be challenged on the ground of discrimination or want of competency or in violation of the statute already been in the governance of the service conditions of the employees of the organization concerned.

6. None of such reasons had been adduced by the petitioner/appellant. Therefore, the learned Judge who heard the writ petition, having considered the same, has rejected the said writ petition through the impugned order dated 10.02.2023.

7. We have gone through the impugned order and we have heard Mr.K.Hemakarthiskeyan, learned counsel appearing for the appellant.

8. Learned counsel though submitted that, the appellant/petitioner did not know what was the qualifying service for becoming eligible to get the pension that, he came to know only after sometime as per the said scheme and since Clause 4.8 is detrimental to his prospects to get pension, he had chosen to challenge the same.



W.A(MD)No.584 of 2024

9. The said reasoning may not be justifiable for having a successful challenge against the impugned provision in the said scheme. Therefore, the said reason given even now by the learned counsel appearing for the appellant is not appealing to this court warranting interference of the order passed by the Writ Court, which is impugned herein.

10. In that view of the matter, we do not find any reason to interfere with the impugned order. Hence, the Writ Appeal fails. Accordingly, it is dismissed. No costs.

Index : Yes / No
Neutral Citation : Yes / No
bala

(R.S.K., J.) (G.A.M., J.)
05.04.2024



WEB COPY



W.A(MD)No.584 of 2024

R.SURESHKUMAR, J.
and
G.ARUL MURUGAN, J.

bala

W.A(MD)No.584 of 2024

05.04.2024