

20.01.2025  
Ct. No. 30  
S.L No. 3  
SM

**WPA 12022 of 2002**  
**With**  
**CAN 1 of 2003**  
**Burn Standard Company Ltd. & Anr.**  
**Vs**  
**The Deputy Chief Labour Comm.(C) Dhanbad & Ors.**

The present writ petition has been preferred against an order dated 24<sup>th</sup> April, 2002 passed by the respondent no.1 praying that the order not be given effected to.

On perusal of the said order it appears that the relevant findings of the Deputy Chief Labour Commissioner at Dhanbad and Appellate Authority is as follows.

*"I, therefore, order that sub clause (v)(a) of Clause-2 of Section 'C' of Standing Orders pertaining to Workmen other the hourly paid workmen (excluding watch & ward darwans) be modified and read as under :-*

*"Workmen shall retire from the service of  
the company on reaching the age of 60  
years."*

*So far order of the Certifying Officer modifying sub Clause (v)(a) of Clause-2 of Section 'C' pertaining to Hourly Paid Workmen sub clause (iv)(d) of Clause(b) of Section C pertaining to Watch & Ward Darwans is*

concerned, I am fully in agreement with the said modification as the same is based on the decision of the Govt. of India which has been taken after due consideration of all facts and circumstances and in public interest. In view of the precarious financial conditions of the company and recommendations of BIFR, the Certifying Officer is well justified and reasonable in ordering such modification reducing the age of retirement from 60 to 58 years in respect of Hourly paid workmen and Watch & Ward Darwans. It should not be forgotten that in respect of these categories of workmen the age of retirement was enhanced/rolled forward from 58 to 60 years since June 1999. I am therefore not inclined to interfere with the orders of the Certifying Officer so far it relates to sub clause (v)(a) of Clause-2 of Section 'C' and sub clause (iv) (d) of Clause (b) of Section 'C' of the Standing Orders applicable to Hourly paid workmen and Watch & Ward Darwans respectively and hence confirm the same without any modification. With regard to contention of the unions that dispute in the matter has been referred to Industrial Tribunal (State of West Bengal) for adjudication, hence the Certifying Officer has no jurisdiction, the Certifying Officer has already dealt with this aspect exhaustively in his Order dated 06.12.2001

*which is apt and relevant needs no further elaboration. The appellant unions have also contended that reduction in the age of retirement from 60 to 58 amounts to change in service condition as such a notice under Section 9-A of the I.D. Act is mandatory before effecting such change. It seems that the appellant unions have misconstrued the provisions of this Section. The employer is required to give notice to the workmen likely to be affected by such change only in respect of the matters specified in the Fourth Schedule. The perusal of the Fourth Schedule reveals that the matter of the age of retirement has not been listed as condition of service for which notice is to be given under the said Section of the Act. Thus the Appeal dated 21<sup>st</sup> December, 2001 preferred jointly by Burn Sramik Union, Burn Standard Men's Congress, Burn Employees Union, Burn Standard Company Limited Employees Association, Burn Standard Co. Ltd. Security Staff Union and Burn Standard Co. Ltd. Security Association is disposed off and the Standing Orders shall now be read according to the modifications as ordered above. Given under my hand and seal on Twenty Third day of April Two Thousand Two."*

Considering the fact that the present writ petition is of the year 2002, the writ petition is

disposed of with the direction that this Court on perusal of the order under challenge finds no reason to interfere and the writ petition accordingly stands dismissed.

Let a copy of this order be sent for information to the Labour Commissioner, West Bengal and the Deputy Chief Labour Commissioner at Dhanbad and Appellate Authority at once.

Applications, if any, connected thereto stand disposed of consequently.

Interim order, if any, stands vacated.

Let a copy of this order be sent to the Trial Court at once.

Photostat certified copy of this order, if applied for, being given to the parties on priority basis upon compliance of all formalities.

**[Shampa Dutt (Paul). J]**