

(2016) 11 KAR CK 0048
In the Karnataka High Court
Case No : W.P. No. 29669 of 2014(L-RES)

Sri P. Raju

APPELLANT

Vs

M/s. Raman Boards Limited

RESPONDENT

Date of Decision : 11-11-2016

Acts Referred:

Citation : (2017) LabLR 92

Hon'ble Judges : Mr. A.N. Venugopala Gowda, J.

Bench : Single Bench

Advocate : Sri Somashekar for M/s. S.N. Murthy Associates, Advocates, for the Respondent No. 1; Sri Dildar Shiralli, HCGP, for the Respondent No. 2; Sri H.C. Shivaramu, Advocate, for the Petitioner

Final Decision : Dismissed

Judgement

A.N. Venugopala Gowda, J. - The petitioner was boiler attender in respondent No. 1-Establishment. In view of the Certified Standing Orders of respondent No. 1 as at Annexure-Ri, the petitioner was notified that he will retire from service of the company on the first date of the calendar month immediately following his 58th birthday i.e., the day he completes 58 years of age. A relieving order to the said effect having been issued, a representation was submitted to respondent No. 2 stating that the action amounts to premature retirement in view of the Government Order dated 28.7.2008 which enables an employee to remain in service till the completion of age of 60 years.

2. In response to the said representation, an endorsement as at Annexure-F having been issued by respondent No. 2, this writ petition was filed to quash Annexure-F and direct respondent No. 1 to extend the benefit of service till completion of age of 60 years and consequently pay the monetary benefits.

3. Heard Sri H.C. Shivaramu, learned advocate for the petitioner and Sri. Somashekar, learned advocate for the respondents. Perused the writ petition and the statement of objections filed.

4. Indisputedly, respondent No. 1 has certified Standing orders issued by the Competent Authority. The Certified Standing Orders has been produced along with statement of objections as at Annexure-R1. Clause 11.04 thereof reads as follows:

"Every employees of the company will retire from the service of the company on the first day of the calendar month immediately following his 58th birthday (the day he competes 58 years)".

5. As there is no consequential "amendment to the said Certified Standing Orders, either at the instance of Trade Union, if any of respondent No. 1 or by any individual employee, including the petitioner, respondent No. 2 is justified in issuing the endorsement as at Annexure-F.

6. In the circumstances, the petitioner is not entitled to the relief sought in this petition. As petitioner or the Trade Union of respondent No. 1 have not sought amendment of the Certified Standing Orders as at Annexure-R1 the representation made by the petitioner being devoid of merit, respondent No. 2 is justified in issuing endorsement as at Annexure-F.

In the result, writ petition is dismissed with no orders as to costs.