

Director of Printing and Stationery and Stores Purchase Etc.

Vs

C. Laxamaiah and Others

Civil Appeal No. 4376 of 1983

(V. D. Tulzapurkar, V. B. Eradi JJ)

29.04.1983

ORDER

1. Leave granted.
2. Heard counsel for both the parties.
3. It is not possible to sustain the impugned orders though they are of interlocutory nature. As a result of the reduction of the age of superannuation from 58 to 55 the concerned employees (including the individual writ petitioners in the High Court) were actually relieved from duty with effect from the afternoon of February 28, 1983, with a result that the initial order dated March 3, 1983 directing the maintenance of status quo as obtaining on that day (March 3, 1983) did not carry the concerned employees any further, and while after they had been so relieved other officiating having been made, the impugned orders dated March 11, 1983 directing that the employees be continued in service provided the posts held by them had not been already filled up really amounted to granting mandatory relief and dislodging the officiating appointments. It was in this situation that this Court by its order dated March 17, 1983 granted ex parte stay of the impugned orders of the High Court pending notice. Today after hearing counsel on either side we feel that the impugned orders cannot be allowed to stand and we, therefore, set aside the said orders and in their place the following order (which is similar to this Court's order in Writ Petitions Nos. 1073-1100 of 1983 and others which are pending in this Court) will obtain during the pendency of the writ petitions before the High Court.
4. Counsel for the appellants has made a statement that if post-retirement benefits are taken by the concerned employees who are made to retire pursuant to the impugned resolution they may do so subject to the result of the writ petitions and without prejudice to their rights and contentions in the writ petitions. Counsel for the appellants further stated that without prejudice to the rights and contentions of the appellants (the respondents before the High Court) and the respondents (the writ petitioners before the High Court), the appellant have no objection to pay a sum equivalent to 2 months salary and dearness allowance to the individual respondents and all other concerned employees (affected by the impugned resolution) which will not be repayable in the event of the writ petitions failing in the High Court. No pension will be paid for 2 months from the date of retirement, namely February 28, 1983. In the event of the writ petitions being allowed all the concerned employees will retain this payment towards their salary for 2 months. This period of 2 months will not be counted for the purpose of computation of pension and other retirement benefits.
5. We hope it will be possible for the High Court to dispose of writ petitions as early as possible.

6. The appeal is disposed of accordingly.

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