

All Orissa Electrical Workers' Union

Vs

State of Orissa and Others

SLP (C) No. 12717 of 1996

(K. Ramaswamy, G. B. Pattanaik JJ)

20.09.1996

ORDER

1. Smt. Indira Jaising, learned Senior Counsel for the petitioner in this petition, has argued on 2-8-1996 before the Bench comprising of Hon'ble Mr Justices M.M. Punchhi and K. Venkataswami, JJ. and the learned Judges have referred the matter for reconsideration of the earlier decision by the Bench of which Hon'ble Shri Hansaria, J. was a member. Consequently, it was posted on 5-8-1996 before the Bench consisting of Hon'ble Justice G.N. Ray and Hon'ble Justice Hansaria who have referred the matter again to us for reconsideration of the judgment rendered in State of Orissa v. Adwait Charan Mohanty [1995 Supp (1) SCC 470 : 1995 SCC (L&S) 522 : (1995) 29 ATC 365]. We thought that there was a conflict between the judgment in State of Orissa v. Arnab Kumar Dutta [(1996) 7 SCC 203 : 1996 SCC (L&S) 489 : (1996) 32 ATC 810 : JT (1996) 2 SC 516] and the judgment in Mohanty case [1995 Supp (1) SCC 470 : 1995 SCC (L&S) 522 : (1995) 29 ATC 365]. After going through the two judgments, we find that there is no conflict of the views. On the other hand, in A.K. Dutta case [(1996) 7 SCC 203 : 1996 SCC (L&S) 489 : (1996) 32 ATC 810 : JT (1996) 2 SC 516], the Bench has followed the decision in Mohanty case [1995 Supp (1) SCC 470 : 1995 SCC (L&S) 522 : (1995) 29 ATC 365].

2. Smt Indira Jaising has contended that the Government have treated different classes of the persons, namely, electrician, plumber, mistry, fitters Grade II, roller mechanic, mechanic, wireman, etc. ... as skilled workmen entitled to the benefit of 60 years and that the judgment in Mohanty case [1995 Supp (1) SCC 470 : 1995 SCC (L&S) 522 : (1995) 29 ATC 365] requires consideration. We do not think that the learned counsel is right in her submission. We have considered the entire service rules operating in the State of Orissa and also various instructions issued by the Government from time to time together with the note to Rule 71(a) of the Rules. We have categorised various persons who are eligible to superannuation at the age of 60 years and such of those employees who have been fitted into Class III and upwards, though they are skilled or highly skilled, they are not entitled to the benefit of 60 years for superannuation. They are required to retire on attaining the age of 58 years while the Class IV employees, though skilled, semi-skilled or highly skilled alone are entitled to the benefit of superannuation at the age of 60 years. In that view, we are of the considered opinion that the judgment in Mohanty case [1995 Supp (1) SCC 470 : 1995 SCC (L&S) 522 : (1995) 29 ATC 365] does not require reconsideration.

3. The special leave petition is accordingly dismissed.