

ALL ORISSA ELECTRICAL WORKERS UNION

A

v.

STATE OF ORISSA AND ORS.

SEPTEMBER 20, 1996

[K. RAMASWAMY AND G.B. PATTANAIK, JJ.]

B

Service Law :

Superannuation—Employees under the State of Orissa—Class III and upwards though skilled or highly skilled not entitled to the benefit of 60 years for superannuation—Class IV employees though skilled, semi skilled or highly skilled alone entitled to the benefit of superannuation at the age of 60 years.

C

State of Orissa v. Adwant Charan Mohanty & Ors., [1995] Supp. 1 SCC 470 and State of Orissa v. Arnab Kumar Dutta, JT (1996) 2 SC 516, referred to.

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CIVIL APPELLATE JURISDICTION : Special Leave Petition (C)
No. 12717 of 1996.

From the Judgment and Order dated 21.3.96 of the Central Administrative Tribunal at Cuttak in O.A. No. 1087 of 1996.

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Mrs. Indira Jaising, Bharat Sangal and Ms. Anita Chinoy for the Petitioner.

The following Order of the Court was delivered :

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Smt. Indira Jaising, learned senior counsel for the petitioner in this petition, has argued on 2.8.1996 before the Bench comprising 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 Sri Hansaria, J. was a member. Consequently, it was posted on August 5, 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. Adwant Charan Mohanty & Ors., [1995] Supp. 1 SCC 470*. We thought that there was a conflict between the judgment in *State of Orissa v. Arnab Kumar Dutta, JT (1996) 2 SC 516* and the judgment in *Mohanty's*

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A case. After going through the two judgments, we find that there is no conflict of the views. On the other hand, in *A.K. Dutta's* case, the Bench has followed the decision in *Mohanty's* case.

Smt. Indira Jaising has contended that the Government have treated different classes of the persons, namely, electrician, plumber, mastry, fitters Grade II, roller mechanic, mechanic, wireman, etc..... as skilled workmen entitled to the benefit of 60 years and that the judgment in *Mohanty's* case 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's* case does not require reconsideration.

E The special leave petition is accordingly dismissed.