

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS  
WRIT PETITION (CIVIL) NO(s). 649 OF 2007

IEL GOMIA PENSIONDH.KARMACHARI SANGH&ANR

Petitioner(s)

VERSUS

STATE OF JHARKHAND & ORS.

Respondent(s)

(With office report )  
(for final disposal)

Date: 01/10/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR  
HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Petitioner(s) Mr. Nagendera Rai, Sr. Adv.  
Mr. Mohit K. Shah, Adv.  
Mr. Ravi Bhuchan, Adv.  
Mr. Navin Prakash ,Adv.  
Mr. Smarhar Singh, Adv.

M/S. S. Narain & Co.,Adv.

For Respondent(s) Mr. Sandeep Narain, Adv.  
Ms. Arti Tiwari, Adv.  
Mr. Shri Narain, Adv.  
Mr. Kuber Bodh, Adv.

R5 Mr. Barun Kumar Sinha, Adv.  
Mrs. Pratibha Sinha, Adv.  
Mr. B.K.Satija, Adv.

Mr. Deba Prasad Mukherjee ,Adv

R2 Mr. Suomitra Chatterjee, Adv.  
Ms. Sriparna Chatterjee, Adv.  
Mr. Ram Ekbal Roy, Adv.  
Mr. Ramekwal, Adv.  
Mr. Irshad Ahmad, Adv.

R4 Mr. Amitesh Chandra Mishra, Adv.  
Mr. Pankay Singh, Adv.

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UPON hearing counsel the Court made the following  
O R D E R

This Writ Petition under Article 32 of  
the Constitution has been filed by two of the  
unions amongst several unions of the respondent 2,  
Company, Indian Explosives Ltd. The only relief  
sought for by the petitioner and by the other  
unions, including the recognised unions, being the

petitioner No.2 and the respondent No.5 herein, is for revision of the pension payable to the retired workmen of the Company. A note of the discussions held on 28/09/2004, between the management of the Company and their workmen represented by the respondent No.5, has been brought to our notice, in which clause 14 relates to settlement relating to pension. The decision taken with regard to the said clause is as follows:-

"14.0 Pension  
Union demanded revision in the existing pension which would be applicable to existing employees who are on the rolls of the Company.

Management informed that the present pension scheme as applicable is in line with the Hon'ble Supreme Court's Order dated 11-03-1997 and therefore, it was not possible to change or modify the existing Pension Scheme.

However, it was agreed that the Management and the Union

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shall put up a joint prayer before the Hon'ble Supreme Court seeking permission for enhancement in Pension for the existing employees on the permanent rolls of the Company as on date of signing this settlement within three months."

It is the grievance of the petitioners as also the unions, including the recognised unions, that the decision was not being implemented by the Company in keeping with the orders of this Court, for enhancement of pension.

Having considered the submissions made on behalf of the respective parties, including the Company, we dispose of the Writ Petition by directing the Company to convene and hold a

meeting with the recognised unions, with regard to  
the grievance of the parties relating to  
enhancement of pension, within a month from date.

If the unions, which are not recognised have any  
grievance, they may represent their grievances to  
the management through the recognised unions.

(Sheetal Dhingra)  
Court Master

(Usha Sharma)  
Court Master