

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 21st DAY OF JANUARY 2003

PRESENT

THE HON'BLE MR. JUSTICE S.R.NAYAK

AND

THE HON'BLE MR. JUSTICE K.RAMANNA

WRIT APPEAL NO.1572/2000

BETWEEN:

MINERVA MILLS
(A UNIT OF THE NATIONAL
TEXTILE CORPORATION,
ANDHRA PRADESH,
KARNATAKA, KERALA &
MAHARASHTRA),
PB NO 2310,
MAGADI ROAD,
BANGALORE
REP BY GM.

.. APPELLANT

(By Sri KASTURI ASSOCIATES,ADV.)

AND :

CHENNAPPA
MAJOR, S/O LATE
CHICKKACHENNEGOWDA,
58 YRS
NOW WORKING AS SECURITY GUARD,
SECUTIRY DEPARTRMENT
MINERVA MILLS,
P B NO 2310,

MAGADI ROAD
BANGALORE 23,
RESIDING AT NO. B-4,
MINERVA MILLS
QUARTERS,
MAGADI ROAD,
BANGALORE-23.

.. RESPONDENT

(By Sri K.SUBBARAO & CO, ADV.)

THIS WRIT APPEAL IS FILED U/S.4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE
ORDER PASSED IN W.P.NO.45007/99 DT.10.1.2000 AND
7.2.2000.

THIS APPEAL COMING ON FOR HEARING THIS DAY,
S.R.NAYAK, J., DELIVERED THE FOLLOWING:

J U D G M E N T

According to the Management of the Minerva
Mills, the age of superannuation of the
respondent/official was 58 years and he attained
the age of superannuation on 19.12.1999. In the
Writ Petition No.45007/99 filed by the
respondent/official, learned Single Judge of this

Court on 10.1.2000 stayed the retirement of the official and this writ appeal filed by the Management of the Minerva Mills is directed against the said interim order.

2. This Court while admitting the writ appeal, stayed the order of the learned Single Judge on 10.4.2000 and the said interim order has been in operation till date. The writ petition filed by the official is pending on the file of this Court and it has to be heard on merits. According to the official, the age of the superannuation is 60 years and even if that age is to be taken as correct age of superannuation, the official would not have been in service as on the date. In that view of the matter, we allow this writ appeal, set aside the order of the learned Single Judge and reject the interim relief claimed by the respondent/official. No order as to costs.

3. In view of disposal of this appeal, no orders are necessary in the I.A. applications. Accordingly, they stand disposed of as unnecessary.

Sd/-
Judge

Sd/-
Judge

Mvs/