

17.07.2026
Ct. No. 30
S.L. No. 5
SM

WPA 11496 of 2022
Steel Workers' Federation of India & Anr.
Versus
Union of India & Ors.

Mr. Rananesh Guha Thakurta,
Mr. Riju Mandal
..... for the Petitioners

Mr. Soumya Majumder, Sr. Adv.
Ms. Sanjukta Dutta
.....for the Respondent no. 2

1. The writ application has been preferred praying for direction upon the respondent no. 2 to set aside the impugned office order no. PER/PP/4007 dated November 26, 2021 and for further direction upon the second respondent no. 2, its men, agents, subordinates and successors-in-office to implement the Industry Level Agreements in-toto including the **clauses of gratuity** without any curtailment thereof. The petitioner has further prayed for direction upon the respondent no. 1 and its men, agents, subordinates and successors-in-office to withdraw, quash, rescind, recall and/or set aside the purported approval being no. S-29026 (96)/2021-SAIL dated November 22, 2021 as mentioned in the impugned Office Order no. PER/PP/4007 dated November 26, 2021.

2. The petitioner has further prayed for direction upon the 2nd respondent, prohibiting it from taking

any steps in furtherance of the impugned office order no. PER/PP/4007 dated November 26, 2021.

3. At the time of taking up the writ application for hearing, **Mr. Majumder, learned senior counsel** for the respondent no. 2, being the Steel Authority of India Limited, has raised the **issue of maintainability**, relying upon the judgment of the Hon'ble Supreme Court ***L. Chandra Kumar's Case [Refer (1997) 3SCC 261]***

4. Mr. Majumder submits that the Union has filed the writ petition inter alia challenging an office order dated 26th November, 2021, by which SAIL had introduced a cut-off date for putting a **ceiling limit as per the Payment of Gratuity Act, 1972** vis a vis **granting gratuity in excess of the ceiling limit** under the statute vis vis a vis service conditions of employees of SAIL, by reason of the judgment delivered by the Hon'ble Supreme Court in ***L. Chandra Kumar's case. [Refer (1997)3SCC261]***

5. Mr. Majumder further submits that SAIL has been notified to be governed by the provisions of **Administrative Tribunal Act, 1985** vide notification dated 19.10.2011. Name of SAIL appears against serial no. 2. Relevant notifications are placed before this Court.

6. It is further stated that **Section 3(q) of the Administrative Tribunal Act**, defines "**service matters**" as follows:-

"...."service matters", in relation to a person, means all matters relating to the conditions of his service in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India, or, as the case may be, of any corporation [or society] owned or controlled by the Government, in respect of:-

(i) remuneration (including allowances), pension and other retirement benefits;

(ii) tenure including confirmation, seniority, promotion, reversion, premature retirement and superannuation;

(iii) leave of any kind;

(iv) disciplinary matters; or

(v) any other matter whatsoever;"

7. Mr. Majumder further submits that the issue raised in the writ petition is in respect of a "service dispute" entailing service benefits since it is with regard to classification of employees for **better terms of gratuity with reference to cut off date**. It is thus a **matter relating to condition of service**.

8. It is further submitted that the writ petition was filed in 2022. Therefore, the same cannot be entertained in terms of the notification which had already come into existence in 2011 and in view of the above, the instant writ petition is to be dismissed for want of jurisdiction, on the preliminary point.

9. In course of hearing Mr. Guha Thakurta appearing for the petitioner submits that the petitioner herein requires the document as noted in Annexure P3 and raises the question of authority of the respondents to cause and enforce the said amendment in the gratuity and rules. The point

agitated by Mr. Guha Thakurta is also an issue which has to be decided by the appropriate forum.

10. Considering the fact that admittedly the relief prayed for in the present case is in respect of claims relating to the service conditions of the employees herein. The same is, as rightly pointed out by Mr. Majumder **subject to the jurisdiction of the Administrative Tribunals Act.**

11. Accordingly, the writ application is disposed of on the ground that the same is not maintainable before the High Court and with liberty granted to the petitioner to approach the appropriate forum for the relief as prayed for herein.

12. Writ application stands disposed of.

13. Applications, if any, connected thereto stand disposed of consequently.

14. Interim order, if any, stands vacated.

15. Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]