

**(2006) 08 JH CK 0036**

**Jharkhand High Court**

**Case No:** None

Masood Ahmad

APPELLANT

Vs

Heavy Engineering Corporation  
Ltd., The  
Chairman-cum-Managing  
Director and Others

RESPONDENT

**Date of Decision:** Aug. 30, 2006

**Citation:** (2007) 1 JCR 244A

**Hon'ble Judges:** R.K. Merathia, J

**Bench:** Single Bench

**Final Decision:** Dismissed

### **Judgement**

R.K. Merathia, J.

Mr. P.K. Prasad, appearing for the petitioner, submits that he has got no instructions to press this application.

2. Mr. R. Mukhopadhyay, appearing for the Heavy Engineering Corporation (for short "H.E.C.") submitted that admittedly the petitioner resigned from the service of the H.E.C. on 28.8.1995 and thus he is not entitled to any amount on account of revision of pay scale and allowances as per Circular No. 5 of 1997 dated 9.10.1997. He further-submitted that several employees, who took voluntary retirement raised similar pleas but the same were rejected by this Court in Maithon Toppo etc. v. H.E.C. 2000 (1) PLJR 1046, and by the Apex Court in HEC Voluntary Retd. Emps. Welfare Soc. and Another Vs. Heavy Engineering Corporation Ltd. and Others .

3. In my view, the same analogy which was applied to the cases of persons who voluntarily retired, will apply to the case of this petitioner also who resigned from service prior to coming into force of the said circular and, accordingly, I hold that this case is fully covered by the said judgments.

4. Accordingly, this writ petition is dismissed. However, there will be no order as to costs.