

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (C) NO(S). 5228-5229/2020

[Arising out of impugned final judgments and orders dated 03-05-2019 in WP No. 163/2018 and dated 16-01-2020 in RP No. 31(L)/2019 passed by the High Court of Judicature at Bombay]

HINDUSTAN PETROLEUM CORPORATION LIMITED & ANR.                      Petitioner(s)

VERSUS

PENSIONERS SOCIAL AND WELFARE ASSOCIATION & ANR.                      Respondent(s)

([PART HEARD MATTER]

[TO BE TAKEN UP AS FIRST ITEM]

(IA No. 15747/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 47139/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES AND IA No. 25943/2020 - PERMISSION TO FILE LENGTHY LIST OF DATES AND IA DIARY NO.264420/2024 - FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS)

Date : 19-11-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA  
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s)      Mr. Balbir Singh, Sr. Adv.  
                                 Mr. Sanjay Kapur, AOR  
                                 Ms. Divya Singh Pundir, Adv.  
                                 Mr. Devesh Dubey, Adv.  
                                 Mr. Arjun Bhatia, Adv.

For Respondent(s)      Mr. C.U. Singh, Sr. Adv.  
                                 Mr. Bennet D' Costa, Adv.  
                                 Ms. Jignasha Pandya, Adv.  
                                 Mr. Nitin S. Tambwekar, Adv.  
                                 Mr. Seshatalpa Sai Bandaru, AOR

                                 Mr. Bhuvan Mishra, Adv.  
                                 Mr. Mayank Pandey, Adv.  
                                 Ms. Bani Dikshit, Adv.  
                                 Mr. Gautam Bhardwaj, Adv.  
                                 Mr. Amit Sharma - B, Adv.  
                                 Dr. N. Visakamurthy, AOR

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

1. Heard Shri Balbir Singh, learned senior counsel appearing for the petitioners at length.

2. The issue involved in these Petitions is very limited. By a letter dated 14<sup>th</sup> March, 2016, which specifically relates to 40 pensioners named in the annexure to the said letter, who joined the employment of the first petitioner-Hindustan Petroleum Corporation Limited (for short, "the HPCL") or its predecessor after 15<sup>th</sup> July, 1974, a part of the pensionary benefit payable to 40 pensioners was withdrawn. This letter was a subject matter of challenge before the High Court. The second letter which was the subject matter of challenge before the High Court is also of 14<sup>th</sup> March, 2016 by which the pensionary benefits of 229 employees, who retired after 28<sup>th</sup> June, 1994, were reduced to a certain extent.

3. As can be seen from the record, the first petitioner-HPCL is a public sector undertaking (a Government of India Enterprise). As noted earlier, the action of issuing the letters was taken belatedly on 14<sup>th</sup> March, 2016. As far as the second letter dated 14<sup>th</sup> March, 2016 is concerned, we find that some of the employees had retired way back in the year 1994 and 1995. Many of them had taken VRS. A part of the pensionary benefit extended to these 229 persons has been withdrawn admittedly without following the principles of natural justice and without giving them an opportunity of being heard. Same is the case with 40 employees who

are subject matter of the first letter dated 14<sup>th</sup> March, 2016.

4. Now, it is too late in the day now to direct the petitioners to give them an opportunity of being heard. Moreover, the issue relates only to 269 retired employees.

5. On the limited grounds indicated earlier, we are not inclined to exercise our jurisdiction under Article 136 of the Constitution of India. Accordingly, the Special Leave Petitions are dismissed.

6. We make it clear that the view taken by us remains confined to aforesaid 269 retired employees.

7. As we are not interfering with the orders of the High Court on the aforesaid two grounds, needless to add that we have not made any adjudication on the other questions raised by the learned senior counsel appearing for the petitioners.

8. Pending applications stand disposed of accordingly.

(ASHISH KONDLE)  
COURT MASTER (SH)

(AVGV RAMU)  
COURT MASTER (NSH)