

HON'BLE SRI JUSTICE S. RAVI KUMAR

WRIT PETITION No.1817 of 2003

ORDER:

This writ petition is filed to declare action of respondents in calculating petitioner's pay at Rs.2,510/- for the purpose of V.R.S benefits as illegal, arbitrary and violative of Article 14 of Constitution of India, consequently to direct respondents to calculate VRS benefits taking the basic pay at Rs.3,000/- and pay the difference amount including unpaid salary from 25.09.1996 to 14.09.1997.

2. Petitioner filed his affidavit, according to which, he was appointed as Spinning Supervisor in the Nellore Co-operative Spinning Mills through proceedings dated 11.03.1974; after completing one year, his probation was declared and he was appointed as Spinning Assistant through proceedings dated 03.05.1975; he has been working to the satisfaction of his superiors without any remarks and in the year 1982 pay scales were also revised; thereafter provisional seniority list was also issued in respect of Assistant Spinning Masters working in the various Spinning Mills in Andhra Pradesh; in the year 1987, petitioner was appointed as Deputy Spinning Master and posted at Shatavahana Cotton Growers Co-operative Spinning Mills Limited, Sattenapally, later he was converted as regular employee as per proceedings dated 21.08.1996; thereafter, petitioner opted for voluntary retire scheme (VRS) given by first respondent with cut off date as 01.08.1999 and his VRS benefits were settled by taking his last pay at Rs.2,510/-. According to petitioner, one M.V.Ramana, who was appointed in the year 1982 also took VRS, but his pay was calculated at Rs.3,000/-, and that petitioner is also entitled at the same pay for calculating VRS benefits, and that action of respondents in not calculating petitioner's pay at Rs.3,000/- is illegal, arbitrary and violative of Article 14 of the Constitution of India.

3. Second respondent filed counter-affidavit disputing the affidavit averments of petitioner and according to counter-affidavit, as per Service Register entries, last drawn pay of petitioner was Rs.2,510/- as on 01.08.1999 and all his VRS benefits were calculated on the basis of his last pay drawn in accordance with rules and that there is no wrong calculation. It is further stated that one Sri M.V. Ramana took voluntary retirement on 17.01.2000 and his pay was Rs.3,000/- as that day, and on that basis, his VRS benefits were calculated. Petitioner cannot claim for the pay of said M.V.Ramana and he cannot be compared with M.V.Ramana. It is further stated in the counter-affidavit that petitioner served the organization for 26 years and his last pay as on cut off date i.e., 01.08.1999 was Rs.2,510/- and the claim of petitioner for re-fixation is not tenable.

4. Heard both sides.

5. The main claim of petitioner is that his pay has to be calculated on par with Sri one M.V.Ramana for the purpose of VRS benefits. Admittedly, the date of VRS taken by petitioner and Sri M.V.Ramana is not one and the same. As seen from the material, the last pay drawn by petitioner was only Rs.2,510/- as per his Service Register entries and the last drawn pay of M.V.Ramana was Rs.3,000/-. There is no material before the Court to show the date of increments of these two persons and also figure of increment. It is not the case of petitioner that his pay was wrongly recorded in the Service Register and that his last pay drawn was not Rs.2,510/-. Simply because, pay of M.V Ramana was fixed at Rs.3,000/-, petitioner cannot claim that pay unless it is shown that his pay fixation was incorrect. As seen from the material, the basic pay of M.V.Ramana as on the date of VRS i.e., 17.01.2000 was Rs.3,000/-, whereas, basic pay of petitioner as on the date of his VRS i.e., 01.08.1999 was Rs.2,510/-. In between these two persons, there is another employee Sri B. Narayana Rao, whose basic pay was Rs.2,570/- as on his VRS,

which is evident from representation of petitioner given to Hon'ble Lokayukta. So, basic pay of petitioner and the basic pay of Sri M.V.Ramana are distinct and different and petitioner cannot get that basic pay of another person for the purpose of his VRS benefits.

6. For these reasons, I am of the view that the claim of petitioner is not tenable and that there is no illegality or violative of any principles of natural justice in calculating the VRS benefits on the basis of last pay drawn and that this writ petition is devoid of merits.

7. Accordingly, the Writ Petition is dismissed. No costs. Miscellaneous Petitions pending in this writ petition, if any, shall stand closed.

S. RAVI KUMAR, J

Date: 15-12-2015.

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