

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Writ Petition No.25351 of 2000

Date: 21-09-2015

Between:

K. Peera Reddy and 2 others

.... Petitioners

AND

The Tirumala Tirupathi Devasthanam,

Represented by its Executive Officer,

Tirupathi, Chittoor District

.... Respondent

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Writ Petition No.25351 of 2000

ORDER:

Heard the learned counsel for the petitioner, the learned standing counsel for the respondent and perused the records.

The present Writ Petition came to be filed seeking issuance of writ of Mandamus declaring the action of the respondent in not paying the revised retirement gratuity, revised commutation of pension value and the difference of encashment of earned leave to the petitioners in accordance with A.P. Revised Pay Scales 1999, as illegal, arbitrary and discriminatory and consequently, to direct the respondent to pay the above benefits.

The averments in the affidavit filed in support of the Writ Petition are as under:

All the three petitioners herein worked in different capacities in Tirumala Tirupati Devasthanam (in short "T.T.D."). The 1st petitioner joined the service of T.T.D., as Supervisor (Electrical) on 17.09.1965 and was working as Deputy Chief Engineer (Electrical) at the time of superannuation i.e., on 31-03-1999. The 2nd petitioner was working as Executive Engineer-II in T.T.D., at the time of his superannuation on 31-03-1999. The 3rd petitioner who was working as Superintendent in Vigilance and Security Office also attained the age of superannuation and retired from service on 31-03-1999. It is averred in the affidavit that all of them were paid the retirement benefits viz., superannuation pension, retirement gratuity, commutation of pension value and encashment of earned leave. The Revised Pay Scales 1999 (for short "P.R.C. Rules 1999") came into force on 01-07-1998 as per the G.O.(P) No.114 Finance and Planning Department dated 11-08-1999 and these Rules shall be deemed to have come into force notionally from 01-07-1998 with monetary benefits from 01-04-1999 as per the above referred G.O. The A.P. Revised Pay Scales 1999 came into force from 01-07-1998 in respect of the employees of T.T.D. The respondent herein fixed the revised pension notionally from 01-07-1998 and paid the revised pension with effect from 01-04-1999. It is also stated that the respondent has not extended the other benefits viz., revised gratuity, revised commutation of pension value and the difference in encashment of earned leave in their favour on the ground that the monetary benefits under the A.P. Revised Pay Scales 1999 shall be payable w.e.f. 01-04-1999 and on the petitioners retired a day prior to that date i.e., on 31-03-1999 they are not entitled for the same. Though number of representations were submitted to the respondent seeking the benefits under the Revised Pay Scales, no orders were passed. Hence, the present Writ Petition came to be filed.

A counter came to be filed by the respondent stating that the petitioners are not entitled for any benefit under the Revised Pay Scales as they retired from service on 31-03-1999 itself. It is further stated that the 1st petitioner was sanctioned superannuation pension, gratuity, commutation of pension value and family pension as per 1993 pay scales and the same was settled. After the issuance of Revised Pay Scales 1999, which is notionally effected from 01-07-1998, the same was taken into consideration while sanctioning the revised superannuation pension. It is stated that there is no provision for payment of

retirement gratuity as per 1999 scales.

At the time when the matter is taken up for hearing, the learned counsel for the petitioner submits that the revised gratuity as per the Revised Pay Scales 1999 has been paid to the petitioners, but the encashment of leave and commutation of pension have not been paid to them. He further stated that a suitable direction may be given to the respondent authority to consider the request of the petitioners for payment of revised commutation of pension and the encashment of leave in accordance with Rule 9 of the Revised Pay Scales, 1999, which reads as follows:

“.....Persons who retired between 1-7-1998 and 31-3-1999 shall also be eligible for the Revised Pay Scales, 1999. The notional pay fixed in the Revised Pay Scales, 1999 in accordance with these orders, shall, in such cases, count towards pensionary benefits....”

Without going into the merits of the case and having regard to the submissions made by the learned counsel for the petitioner and Rule 9 of the Revised Pay Scales issued by TTD, the writ petition is disposed of directing the respondent to consider the representation of the petitioners said to have been made by them on 11-09-2000 to the Executive Officer, Tirumala Tirupathi Devasthanam, Tirupathi, in accordance with the Rules as per G.O. (P) No.114, Finance and Planning Department, dated 11-08-1999, as expeditiously as possible, preferably within a period of eight (8) weeks from the date of receipt of a copy of the order. However, it is needless to state that if the petitioners have not made any representation for the said purpose, it is open for them to make such representation afresh to the Executive Officer, Tirumala Tirupathi Devasthanam, who shall consider the same and pass appropriate orders thereon in accordance with law. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

C. PRAVEEN KUMAR, J

Date: 21-09-2015

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