

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.No.4574 OF 2002

ORDER

The case of the petitioner is that his father worked in the respondent's corporation till he retired from service on 15.03.1989 on medical ground. While retiring from service, the respondents have informed that no additional benefits would be arranged if petitioner's father sought employment for the petitioner. Accordingly, employment was sought for the petitioner. Later petitioner's father died on 23.01.1992 leaving the petitioner, his mother, one brother and three sisters as his legal heirs. It is stated that since the respondents are not providing employment, the petitioner filed W.P.No.19072/94 which was allowed directing the respondent corporation to consider the petitioner's case; but his case was not considered. Again the petitioner filed W.P.No.7034 of 1996 which was disposed of on 04.04.1996 directing the respondent corporation to consider the petitioner's case. Pursuant to the direction, the 1st respondent passed the order dated 08.01.1997 holding that the petitioner is not eligible for the post of conductor. Thereafter, the petitioner issued notice dated 04.02.2002 informing the respondents to arrange the additional benefits in view of not providing employment. Though the said notice was acknowledged on 05.02.2002, no action has been taken till date. Aggrieved by the same, the present writ petition is filed.

Counter affidavit is filed by the respondents stating that the claim of the petitioner regarding payment of monetary benefits is considered, but the respondents issued Cir.No.PD-85/89 dated 06.07.89 extending the scheme for payment of additional monetary benefits to the employees retired voluntarily and on medical grounds which came into force on 11.04.1989. Since petitioner's father died on 15.03.1989, petitioner is not covered by the said scheme for payment of Additional monetary benefits. As such, it is stated that the claim of the petitioner is barred by laches and sought for dismissal of the writ petition.

Heard the learned counsel for the petitioner and Sri N.Vasudeva Reddy, learned Standing counsel for the respondent-Corporation.

In the present case, though the petitioner sought employment on compassionate grounds, the same was not considered by the respondents and petitioner has not challenged the same. However, petitioner has restricted his prayer to the extent of payment of additional monetary benefits. The respondents in the counter have admitted that they have issued a scheme vide Cir.No.PD-85/89 dated 06.07.89 for payment of additional monetary benefits to the employees retired voluntarily and on medical grounds. The said scheme came into force with effect from 11.04.89 where as the petitioner's father died on 15.03.1989, as such the petitioner is not covered under the said scheme. The petitioner has not shown any legal right in his favour. Since the said scheme came into effect subsequent to the death of the petitioner's father, it cannot be a ground to claim benefits on the said scheme. More so, this Court cannot issue mandamus for payment of additional monetary benefits when the said scheme is not in existence at the time of death of the petitioner's father.

In view of above facts and circumstances, I do not see any merit in this the writ petition. Accordingly, the writ petition is dismissed. No costs. As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

Date: 16.07.2015
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