sTHE HON'BLE SRI JUSTICE A.V. SESHA SAI

WRIT PETITION No.7569 OF 2013

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

> "to issue an appropriate writ order or direction preferably particularly one in the nature of writ of Mandamus declaring that the action of the respondents in not extending the benefit i.e., the difference of Gratuity on the revised pay scales and Encashment of Leave, the period between i.e., 01.11.2002 to 31.03.2006 on par with the existing employees of the District Cooperative Central Banks in the State as per the award i.e., Memorandum of Settlement dated 07.07.2008 to that effect the Circular dated 14.08.2010 which was issued by the respondents on the same the 50% of respondents banks were implemented, wherein, the petitioners association Banks were not implemented is highly illegal, arbitrary, unreasonable and discriminatory and also in violation of Article 14, 16 & 21 of the Constitution of India and consequently direct the Respondent Banks to pay the difference of Gratuity and Revised Pay Scale and Encashment of Leave from the period i.e., 01.11.2002 to 31.03.2006 on par with the existing employees in the Respondent's Bank in the State to the retired employees and pass such other order under the circumstances of the case."

2. Heard Sri C.Rajashekar Reddy, learned counsel for the petitioner.

3. Despite service of notice, none appears for the respondents. As per the affidavit filed in support of the writ petition, the grievance of the petitioner is failure on the part of the respondents in taking action pursuant to the Memorandum of Settlement dated 07.07.2008 entered into under Section 18 (1) of the Industrial Disputes Act, 1947 (for short 'the I.D.Act'), between the Andhra Pradesh Cooperative Bank's

Association and Andhra Pradesh Bank Employees' Federation on behalf of the Andhra Pradesh Cooperative Central Banks Employees' Association and the consequential Circular dated 14.08.2010 issued by the Andhra Pradesh Cooperative Bank's Association. By way of such settlement entered into under the provisions of Section 18(1) of the I.D.Act, certain benefits are given to the employees in District Cooperative Central Banks.

4. According to learned counsel for the petitioner despite the binding nature of the said settlement and the clauses contained therein as per the provisions of Section 18(1) of the I.D.Act, no action so far has been taken by the respondents, in the direction of extending the benefits agreed therein.

5. Despite service of notice no counter affidavits have been filed by the respondents, resisting the writ petition.

6. In the absence of any counter, this Court has no option except to dispose of the writ petition basing on the material available before the Court. Since the respondents have not taken any action pursuant to the Memorandum of Settlement dated 07.07.2008 and the consequential Circular dated 14.08.2010, this Court is of the considered opinion that the ends of justice would be served, if the respondents are directed to take appropriate action in terms of the Memorandum of Settlement dated 07.07.2008 and the circular dated 14.08.2010 issued by the Andhra Pradesh Cooperative Bank's Association

7. Therefore, the Writ Petition is disposed of, directing the respondents to take appropriate action in terms of the Memorandum of Settlement dated 07.07.2008 and the consequential circular dated 14.08.2010 within a period of three months from the date of receipt of copy of this order.

Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

04.04.2016
Rds

THE HON'BLE SRI JUSTICE A.V. SESHA SAI

-

WRIT PETITION.No.7569 of 2013

Dated : 04.04.2016

Rds