

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

WRIT PETITION No.8314 of 2004

ORDER:

The petitioners herein are the retired employees of the respondent organization and they retired from service on 31.3.1997 on voluntary basis under a scheme. The 1st respondent herein issued Office Order bearing No.CORP/PERS/64/2001, dated 31.5.2001 revising pay scales of executives of Hindustan Cables Limited w.e.f. 1.1.1997. Clause 8.3 of the said Office Order stipulated as under:

8.3 Payment to the executive who have ceased to be in the service after 1.1.1997

All executives who were on the rolls as on 1.1.1997 but subsequently ceased to be in services on account of superannuation, resignation, VRS, termination, death, etc., would be eligible for the benefit of revised scale of pay to the period they were in employment of the Company.

The grievance in the present writ petition is that the respondents herein are not extending the benefit of the above said clause to the petitioners herein.

During the course of hearing, it is brought to notice of this Court by learned counsel for the petitioners that identically situated persons approached this Court by way of filing W.P.No.24197 of 2002 and this Court allowed the said W.P.No.24197 of 2002 by way of order dated 11.11.2003 and the appeal filed by the respondents vide W.A. No.919 of 2004 also ended in dismissal by order dated 5.11.2009. Subsequently, the said orders were confirmed by the Hon'ble Supreme Court in SLP (C) No.9146 of 2010, dated 29.3.2016. Copies of the said orders are placed on record by the learned counsel for the petitioners.

A perusal of the order dated 11.11.2003 passed in W.P.No.24197 of 2002 clearly shows that similarly situated persons approached this Court praying for the same relief and this Court allowed the said writ petition and the operative portion of the said order reads as under:

“On the analysis above, the writ petition is allowed declaring that the petitioners are entitled to payment of arrears of salary and other allowances to which they are entitled in the light of the provisions of the office order dated 31.5.2001 upto the period they were in employment of the 1st respondent company i.e., 31.3.2001, notwithstanding that they ceased to be employees of the 1st respondent w.e.f. 31.3.2001 on VRS terms. It is further declared that the petitioners are entitled to the benefits of revision of VRS compensation and to payment of differential amount of such compensation after deduction of the amounts that they have already drawn consequent on leaving the service of the Company on VRS terms, on the basis of revised pay scales and other benefits under the office order of the 1st respondent dated 31.5.2001.”

A Division Bench of this Court dismissed W.A. No.919 of 2014 by way of order dated 5.11.2009 confirming the orders passed by learned single judge as mentioned supra. Special Leave Petition preferred was also dismissed by Hon'ble Supreme Court.

In view of the above orders and having regard to submissions of the learned counsel for the petitioners, this writ petition is allowed declaring that the petitioners herein are entitled for payment of arrears of salary and other allowances to which they are entitled to in the light of the provisions of the Office Order, dated 31.5.2001 upto the period they were in employment of the respondent company i.e., 31.3.1997, notwithstanding that they ceased to be employees of the respondent company w.e.f. 31.3.1997 on VRS terms. It is further declared that the petitioners herein are entitled to the benefits of revision of VRS compensation and to payment of differential amount of such compensation after deduction of the amounts that they have already drawn consequent on leaving the service of the Company on VRS terms, on the basis of revised pay scales and other benefits under the Office Order of the 1st respondent dated 31.5.2001. No order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

A.V. SETHA SAI, J

Dt: 28-12-2016
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