

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.13334 of 2000

ORDER

Heard Sri M.Sudhir Kumar, learned counsel appearing for the petitioners, Sri S.Ashok Kumar Anand, learned counsel appearing for respondent No.4 and learned Government Pleader for Co-operation appearing for respondents Nos.1 to 3.

This writ petition is filed seeking to issue a Writ of Mandamus declaring that the petitioners are entitled to salary for the period from 20.10.1997 to July, 1999, and to grant other consequential reliefs.

It is the case of the petitioners that they were employees of the 4th respondent-society, which had liquidated consequent upon certain financial losses; that the State Government had issued G.O.Ms.No.15, dated 3.2.1999, whereunder the State Government had come up with Voluntary Retirement Scheme for the 4th respondent-society; that 20th October, 1997 was fixed as cut of date for implementation of the said scheme; that the petitioners along with other employees of 4th respondent had retired voluntarily and the benefits under the said scheme were paid to the petitioners; that the present writ petition is filed seeking payment of salaries for the period from 20.10.1997 to July, 1999,

during which period the petitioners were continued in service, and G.O.MsNo.15, dated 3.2.1999 is silent on the aspect of payment of salary to the employees who were continued to work in the liquidated company after the said cut off date i.e., 20.10.1997.

Learned counsel appearing for the petitioners submits that since the petitioners worked from November, 1997 to July, 1999, they are entitled for salary for the said period.

Learned Standing Counsel appearing for the 4th respondent contends that the petitioners had accepted the Voluntary Retirement Scheme issued in G.O.Ms.No.15, dated 3.2.1999 and that the petitioners cannot be allowed to turn around and claim other benefits what have been already paid under the said scheme, and prays that this writ petition should be dismissed.

I have considered the rival submissions made by the learned counsel on either side.

The grievance of the petitioners is that that though they worked upto July, 1999, they were not paid salaries from November 1997 to July 1999.

If that being the case, the petitioners are at liberty to make a representation to the respondents, within a period of four weeks from the date of receipt of a copy of this order,

claiming salaries for the period from November, 1997 to July 1999 and upon such representation being made by the petitioners, the respondents shall consider the same and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

27th December, 2017
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JUSTICE ABHINAND KUMAR SHAVILI