THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.23312 OF 2000

ORDER:

1. This writ petition is filed by the petitioner seeking to issue a mandamus declaring the action of the respondents in not paying full pension at 25% of his total emoluments of Rs.6,670-84 ps., as illegal and arbitrary and contrary to the rules, and further declaring that the petitioner is entitled to full pension at the rate of 25% of his total emoluments viz., Rs.1,667.71 ps., per month(1/4th of total amounts of Rs.6,670.84 ps).

2. Heard Sri M. Pandu Ranga Rao, learned Counsel for the petitioner and Sri J. Srinivasa Rao, learned Standing Counsel appearing for the respondents.

3. The petitioner contends that he rendered 41 years of service and he retired from service on 30th June, 1998 and that Coal Mines Pension Scheme was introduced in the year 1998 and as per the said scheme, he is entitled for full pension.

4. The respondents filed a counter-affidavit giving the details of the said scheme. It is stated that the employees, who rendered service from 1.4.1971 to 31.3.1989 is to be taken only 12 years out of the 18 years of service i.e., 2/3rd service and the actual service will be calculated for the service rendered from 1.4.1989, and the employees rendering service from 1.4.1971 will complete 30 years of pensionable service on 31.3.2008. It is stated that the petitioner was dismissed from SCCL (Singareni Collieries Company Limited) service on 20.4.1976 and he was ceased to be a member of CMPF on that date and the petitioner had not opted to join the Coal Mines Family Pension Scheme during 1971-72. Subsequently, the

petitioner was reappointed in the SCCL in the year 1982. At page No.6 of the counter-affidavit, it has been stated that for the period 1.4.1982 to 31.3.1989, 2/3rd of service was taken into account and for the period from 1.4.1989 to 30.6.1998, the actual service rendered by the petitioner was counted. Since the petitioner has retired on 30.6.1998, 14 years of service was taken into account for calculating the pensionary benefits. The details of fixation of pension of the petitioner were given at page No.6 of the counter, which reads as follows:

i) Date from which contribution to pension Fund commenced : 1.4.1982

ii) Date of cessation of membership : 1.7.1998

iii) Total pensionable service :

(1) 2/3rd of service from 1.4.1982 to 31.3.1989 = 7 x 2/3 = 4 years 8 months

(2) 1.4.1989 to 30.6.1998 (date of superannuation) = 9 years 4 months

Total Pensionable Service = 14 years.

5. Having regard to the details given in the counter-affidavit, I do not see any illegality in the calculations made in the counter-affidavit. The contention raised by the learned Counsel for the petitioner that the petitioner is entitled for full pension as per the Coal Mines Provident Fund Scheme, is devoid of merits, and the writ petition is liable to be dismissed.

6. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

(ABHINAND KUMAR SHAVILI, J)

Dated: 10th November, 2017
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THE HON'BLE SRI ABHINAND KUMAR SHAVILI

WRIT PETITION No.23312 of 2000

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