

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

Writ Petition No.17894 of 2007

ORDER

This Writ Petition is filed seeking a Writ of Mandamus directing the respondents to disburse pension and commuted pension to the petitioner in terms of Para 6(c) of the General Insurance Employees' Special Voluntary Retirement Scheme, 2004 dated 01.01.2004 and grant such other reliefs.

2. Heard Sri Akella Srinivasa Rao, learned counsel for the petitioner and Smt. V.Uma Devi, Standing Counsel for the respondents.

3. It is contended by the learned counsel for petitioner that the petitioner was initially appointed as an Assistant (T) with the respondents on 25.09.1985 and after rendering considerable length of service he was further promoted as Senior Assistant and while he was discharging his duties as Senior Assistant the respondents have come up with Special Voluntary Retirement Scheme by way of notification dated 01.01.2004. It is further contended that as per said Scheme every employee who opts for voluntary retirement under the said Scheme would be entitled for ex-gratia and also for Provident Fund, gratuity, pension and leave encashment. The petitioner has submitted his application for voluntary retirement under said scheme and the application of petitioner was accepted and the petitioner was allowed

to retire on voluntary basis on 31.03.2004. Learned counsel further contends that though the respondents have paid all the benefits, but they have not paid pension as set out in said Special Voluntary Retirement Scheme and that appropriate orders be issued to the respondents directing them to release the pension to the petitioner in terms of the Special Voluntary Retirement Scheme. Learned counsel for the petitioner further contends that the issue raised by the petitioner has been adjudicated by the Hon'ble Supreme Court in Civil Appeal No.256 of 2014 & batch dated 10.01.2014 wherein the Hon'ble Supreme Court held that the employees are entitled for pension in terms of the Special Voluntary Retirement Scheme and contended that this Writ Petition be also allowed with a direction to the respondents to pay pension to the petitioner in terms of the Special Voluntary Retirement Scheme.

4. Learned Standing Counsel appearing for the respondents has not disputed about the judgment rendered by the Hon'ble Supreme Court, however contends that following the order passed by the Hon'ble Supreme Court in Civil Appeal No.256 of 2014 & batch dated 10.01.2014 some of the High Courts have allowed the cases of the employees and the respondents have preferred Special Leave Petitions against the subsequent judgments rendered by the various High Courts and SLP Nos.1912/2017, 3056/2017 and 36937/2017 are pending before the Hon'ble Supreme Court for consideration and the matters have been referred to the larger Bench and in view of the

SLPs pending before the Supreme Court the respondents are not in a position to sanction the pension and disburse pension benefits to the petitioner.

5. Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the principal issue raised by the petitioner is already concluded by the Hon'ble Supreme Court in Civil Appeal No.256 of 2014 & batch dated 10.01.2014 and therefore, the petitioner is entitled for grant of pension and pensionary benefits in terms of the Special Voluntary Retirement Scheme announced by the respondents, however, the same will be subject to outcome of the SLPs preferred by the respondents.

With the above observations, this Writ Petition is allowed. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

ABHINAND KUMAR SHAVILI, J

20.11.2018
MVA