

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.6710 of 2002

ORDER:

This writ petition is filed seeking to issue a writ of mandamus, declaring the action of the respondents in not issuing orders extending the benefits of pension/revise pension/family pension in terms of revise pay scales of 1996 5th Pay Commission to the petitioners, who retired from services prior to 1986 and prior to 1996, as arbitrary, illegal and sought a consequential direction to the respondents to pass orders and release revise pension/family pension with arrears from 01.01.1996.

Heard Sri S.Venugopal, learned counsel, appearing for the petitioners, Sri T.Mahender rao, learned standing counsel, appearing for respondents Nos.1 and 2, Government Pleader for Higher Education, appearing for respondent No.3 and Sri Laxman, Asst.Solicitor General, appearing for respondent No.4.

It has been contended by the petitioners that they are the employees of the 1st respondent college and they have retired from service prior to 1986 and prior to 1996, and as per the recommendations of the 5th Pay Commission, they are entitled to be extended the benefits of pension/revise pension/family pension in terms of Pay Scales of 1996 with effect from 01.01.1996. It has further been contended by the petitioners that respondent No.1 had paid the benefits only from 2000 onwards, but not with effect from 01.01.1996. In those set of circumstances, they have filed the present writ petition.

Respondent No.1 has contended that pursuant to the orders passed by the State Government, the benefits from 01.07.2000 were released to the petitioners, in terms of G.O.Ms.No.95, dated 01.08.2000.

It has further been contended by the 1st respondent that until and unless the funds are released by respondents Nos.3 and 4, respondent No.1 cannot extend the benefits to the petitioners. Respondent No.1 has written series of letters to respondents Nos.3 and 4, viz., (1) Lr.No.C1/2000/208, dated 12/15.05.2000; (2) Lr.No.C1/2000/3707, dated 21.08.2000; (3) Lr.No.C1/2001/1520, dated 04.06.2001; (4) Lr.No.C1/2001/7361, dated 29.10.2001; (5) Lr.No.C1/2002/9466, dated 29.01.2002; and (6) Lr.No.C1/2002/10588, dated 14.03.2002. But so far, respondents Nos.3 and 4 have not taken any decision on the letters addressed by respondent No.1.

This court, having considered the rival submissions made by the parties, without expressing any opinion on the merits of the case, feels that ends of justice would be met if respondents Nos.3 and 4 are directed to consider the letters addressed by respondent No.1, referred to above, and pass appropriate orders thereon to the effect whether the petitioners are entitled for revised pensionary benefits with effect from 01.01.1996, within a period of 8 (eight) weeks from the date of receipt of a copy of this order.

With these observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

ABHINAND KUMAR SHAVILI,J

Date: 27.07.2018
Dsr