

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.22416 OF 2001

ORDER:

1. This writ petition is filed seeking to issue a writ of mandamus declaring the inaction of the respondents in counting petitioner's services from 10.6.1979 to 14.6.1980 for the purpose of benefits of voluntary retirement and gratuity on par with other similarly situated employees as illegal and arbitrary, and consequently, to direct the respondents to extend the same relief to the petitioner on par with other employees together with interest.

2. Heard Sri P.B. Vijaya Kumar, learned Counsel for the petitioner and Sri B. Shiva Kumar, Counsel on behalf of the respondents.

3. It has been contended by the petitioner that he joined as a Tradesman-A Trainee in June, 1979, and thereafter, he was disengaged from service and finally, he was reengaged as a regular Tradesman-A Trainee from 14.6.1980, and after a considerable length of service, he opted for voluntary retirement and the management allowed him to take voluntary retirement vide orders dated 28.2.2001. It has been further contended that while paying the voluntary retirement benefits, the service of the petitioner from 14.6.1980 was taken into account, and it is the grievance of the petitioner that the earlier service rendered by him from June, 1979 to 14.6.1980 should be taken into account and one year service benefits should be extended to him.

4. It has been contended on behalf of the respondents that the petitioner was appointed on temporary basis in June, 1979 and his services were disengaged due to unauthorized absence and he was reengaged on 14.6.1980 and since then, he continuously worked and therefore, the services from 14.6.1980 were taken into account while settling the benefits under voluntary retirement scheme and the entire amount was paid to the petitioner.

5. From the material on record, it is obvious that in June, 1979, the petitioner was engaged and thereafter, his services were disengaged, and on 14.6.1980 he was reengaged as regular Tradesman A Trainee. The petitioner was engaged as regular Tradesman-A Trainee from 14.6.1980 only. The petitioner could not produce any material to demonstrate that he had continuously worked from June, 1979 to 14.6.1980. In view of the same, it is very difficult for this Court to direct the respondents to count the service rendered by the petitioner from 10.6.1979 to 14.6.1980 for the purpose of calculating the benefits of voluntary retirement. There are no merits in this writ petition.

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

(ABHINAND KUMAR SHAVILI, J)

Dated: 6th July, 2018

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Dated: 6.7.2018

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