

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 20150 of 2003

ORDER:-

This writ petition is filed seeking to issue a writ of *Mandamus* directing the respondents to release arrears of salary of the petitioners from 07.09.1993 till the date of introducing Voluntary Retirement Scheme i.e. 27.12.2001 and also release the difference of amount by re-fixing the retirement benefits based on 2001 scales of pay and not on 1993 scales of pay and grant other consequential benefits.

Heard Sri M. Pandu Ranga Rao, learned counsel for the petitioners and the learned Government Pleader for Industries and perused the material placed on record.

The brief facts of the case are that the petitioners were employees of A.S.M. Co-operative Sugars Limited, and after putting more than 20 years of service, the company was under lay off on 07.09.1993, and finally, the respondents, in the year 2001, announced Voluntary Retirement Scheme (for brevity "Scheme") and all the petitioners opted for voluntary retirement under the scheme, but their grievance is that they have not been paid arrears of salary during the period of lay off and consequential benefits. Hence, the present writ petition is filed.

The learned counsel for the petitioners submits that the petitioners were not responsible for closure of the company, however when the company was closed down on 07.09.1993 for various reasons, they were removed from the rolls of the company, and when such being the case, the petitioners are entitled to salaries from 07.09.1993 till they retired from service under the Scheme, but till date they have not been paid salaries during the period of lay off i.e. from 07.09.1993 till 27.12.2001.

The learned Government Pleader contends that the petitioners were fully aware of the terms and conditions of the Scheme announced by the respondents and accepted the terms thereof and when A.S.M. Co-operative Sugars Limited was closed down, they did not raise any objection in respect of payment of salaries for the lay off period.

This Court, having considered the rival submissions of both the parties, is of the opinion the petitioners were fully aware of the terms and conditions of the Scheme and having once accepted the terms of the Scheme they cannot turn round and contend that they are entitled to arrears of salary during the period of lay off i.e. from 07.09.1993 till 27.12.2001.

Hence, the writ petition is devoid of merit and the same is accordingly, dismissed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending,
shall stand disposed of as infructuous.

ABHINAND KUMAR SHAVILI, J

31.08.2018

bcj

