

HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.17783 OF 2001

Date 02.02.2018

Between:

A.Sai Prasad.

... Petitioner

AND

Chairman and Managing Director, Indian Overseas Bank,
Central Office, Chennai and another.

.....Respondents



HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI**WRIT PETITION No.17783 of 2001****ORDER:**

The Writ Petition is filed to declare the impugned proceedings dated 21.02.2001, rejecting the application of the petitioner for Voluntary Retirement Scheme – 2000, as illegal and arbitrary.

Brief facts of the case are that petitioner was recruited on 30.06.1983 in the Junior Management Grade Scale-I, and promoted as Middle Management Grade Scale-II. Petitioner claims to have applied for job in Canada and was qualified. In the meanwhile, respondent – Bank announced Indian Overseas Bank Officers/Employees Voluntary Retirement Scheme, 2000 through its circular dated 02.12.2000. Petitioner states that he applied for voluntary retirement by letter dated 15.12.2000. By the impugned letter dated 21.02.2001, his application was rejected observing that 'the Competent Authority has decided not to accept your application considering the business/organizational requirement and administrative exigencies of the Bank'. Petitioner states that, as per the Scheme, all the permanent employees with 15 years of service or 40 years of age are eligible to seek voluntary retirement and that he was neither highly skilled nor qualified or given any specialist training in any particular area. Hence the writ petition.

Counter affidavit has been filed by the respondent *inter alia* stating that clause 4 of the scheme categorically provides the category of employees eligible/ineligible to apply for Voluntary Retirement Scheme. As per clause 4.2(e), highly skilled and qualified employees given specialized training in the area of credit, foreign exchange, investment and information technology etc. are ineligible to seek voluntary retirement under the scheme. As per general conditions clause 4, the competent authority shall have absolute discretion either to accept or reject the request of an officer/employer seeking voluntary retirement under the scheme depending upon the requirement of the bank. It is further stated that, during processing of the application of the petitioner, it was found that he was imparted training in 'Multiphase Credit Programmes' during 1996 at Bank's Staff College, Chennai. Therefore, the Bank rightly rejected his application.

Heard Sri Gorla Gopala Krishna, learned Counsel for the respondent. Perused the scheme filed along with the writ petition.

As per clause 4.2 of Voluntary Retirement Scheme – 2000, the employees falling in the following categories are not eligible to seek voluntary retirement under the scheme.

- a) xxxx
- b) xxxx
- c) xxxx
- d) xxxx

- e) highly skilled and qualified employees who have been given the specialized training in the area of Credit, Foreign Exchange, Investment and Information Technology etc.

In the counter affidavit filed by the respondents, it has been categorically stated that the petitioner has been given specialised training. No reply affidavit has been filed denying the said averment. Since the petitioner was imparted training in 'Multiphase Credit Programmes' during 1996 at Bank's Staff College, Chennai, he comes under category (e) of clause 4.2 of Voluntary Retirement Scheme, 2000 and, hence, he is not eligible to seek retirement under the Voluntary Retirement Scheme, 2000. In view of the facts and circumstances stated, his application has been rightly rejected by the respondent – Bank.

The Writ Petition fails and is, accordingly, dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

KONGARA VIJAYA LAKSHMI, J

Dt:02.02.2018

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