

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 8093 of 2002

ORDER:-

This writ petition is filed seeking to issue a writ of *Mandamus* directing the respondents to pay salary to the petitioner for the period from 01.04.2001 to 30.06.2001 with immediate effect.

Heard Smt.Akella Padma, learned counsel for the petitioner and Smt. Umadevi, learned Standing Counsel for Visakhapatnam Port Trust appearing on behalf of the respondents and perused the material placed on record.

The brief facts of the case are that while the petitioner was working as Superintendent in Port Trust, Visakhapatnam, the respondents introduced Voluntary Retirement Scheme which was to be closed by 31.03.2001. When the petitioner made representation on 12.02.2001 requesting to consider his case for voluntary retirement, the respondents have considered his application, and accordingly, the petitioner retired from service on 31.03.2001. Now, the petitioner's grievance is that voluntary retirement scheme which was to be closed on 31.03.2001 was extended up to 30.06.2001, and if only the petitioner was aware of this fact, he would have applied for voluntary retirement only in the month of June, 2001, and because of the action of the respondents in extending the voluntary retirement scheme up to 30.06.2001,

the petitioner has lost salary for the months of April, May and June, 2001, and in these set of circumstances, the present writ petition is filed.

The learned Standing Counsel submits that as one-time measure, Voluntary Retirement Scheme was introduced and the reason to extend the scheme up to 30.06.2001 was to enable the employees who could not opt for voluntary retirement under that scheme during the period up to 31.03.2001. Since the petitioner applied before 31.03.2001, and his case was already considered and he was relieved from duty on 31.03.2001, the question of paying salary to the petitioner beyond March, 2001, would not arise.

This Court, having considered the rival contentions of both the parties, is of the opinion that once the application of the petitioner has been accepted under Voluntary Retirement Scheme and the petitioner was relieved from duty on 31.03.2001, the relief sought for in this writ petition, cannot be granted for the wages beyond March, 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

27-08-2018
bcj