

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.23614 of 2002

ORDER

This writ petition is filed seeking the following relief:

“to issue Writ, order or direction, more particularly in the nature of Writ of Mandamus, declaring the action of the respondents for non-payment of arrears of salary and also recalculated pension to the petitioner basing on their own Circular Vide S.B.I Hyderabad L.H.O. Circular No.PER.IR.9/95-96 dated 26.7.1995 as illegal, arbitrary and unconstitutional and consequently direct the respondents to pay the arrears of salary along with the applicable rate of interest thereon for the delayed payment, strictly following their own Circular issued vide S.B.I. Hyderabad L.H.O. Circular No.PER.IR.9/95-96, dt.26.7.1995 and recalculate pension from 1.3.1995 onwards to the petitioner forthwith.

Heard Sri Y.V.Satyanarayana, learned counsel for the petitioner and Smt. Y.Padmavathi, learned standing counsel for the respondents.

It is submitted by the petitioner that while he was working as Deputy Manager at State Bank of India, Rajam Branch, Srikakulam, he had applied for voluntary retirement and accordingly he was allowed to retire and he was paid service benefits. It is further submitted by the petitioner that subsequent to his retirement, the Officers' Association of the Banks and Managements of various banks have entered into an agreement in the year 1995 for revision of salary and other emoluments. It is further submitted by the

petitioner that as per Point No.3(v) of Circular No.PER.IR.9/95-96, dated 26.7.1995, he is entitled for revision of salary. Point No.3 (v) of the said circular reads thus:

“ the officers who had retired or had been dismissed are ceased to be in the Bank service after 01.11.1992 may be paid arrears on account of salary revision from 01.11.1992 till the date of their retirement/dismissal cessation of service.”

The grievance of the petitioner is that in spite of submitting number of representations, the respondents are not implementing the orders issued in Circular dated 26.7.1995. Aggrieved by the same, the present writ petition is filed.

Learned standing counsel appearing for the respondents would contend that as per the Joint Note dated 23.6.1995, the Indian Banks Association High Power Committee after discussions with the All India Officers' Organization agreed for revised norms which would come into effect with effect from May, 1993 and since the petitioner retired from service prior to May, 1993, he is not entitled for the said benefits.

This Court having considered the submissions made by the parties is of the considered view that the circular dated 26.7.1995 which was issued after the Joint Note dated 23.6.1995 makes it abundantly clear that the persons who retired after 1.11.1992 are entitled for revision of salary. Since the petitioner retired from service after 1.11.1992, he is entitled for the benefits as claimed by him in terms of Point No.3(v) of circular dated 26.7.1995.

Accordingly, the writ petition is allowed. The respondents are directed to extend the benefit of revision of salary and recalculate

pensionary benefits to the petitioner in accordance with circular dated 26.7.1995 No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 21/08/2018
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