

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.3759 OF 2001

ORDER (ORAL):

This Writ Petition has been filed seeking a Writ of *Mandamus* declaring that the petitioner is entitled to fixation of his basic pay for the purpose of pension in the same manner as the basic pay determined under the revised pay scales with effect from 01.04.1998 taking into consideration the increase in personal allowance and consequently holding that Circular No.Per/1999-2000/75 dated 08.02.2000 in so far as the basic pay is determined for the purpose of pension for the officers retiring on or after 01.04.1998 as arbitrary without jurisdiction and violative of Articles 14, 19(1) and 21 of the Constitution of India, and directing the respondents to pay the pension calculated accordingly in the interest of justice.

2. Heard Sri C. Nageshwara Rao, learned counsel for the petitioner, and Sri Venkata Raghu Ramulu, learned standing counsel for the respondents, and perused the material on record.

3. It has been contended by the learned counsel for the petitioner that the petitioner was retired from service on attaining the age of superannuation in the cadre of officer. The grievance of the petitioner is that the personal allowance is not being taken into account while calculating his pensionary benefits in terms of the Circular dated 08.02.2000 and contends that the said circular is bad and the same may be set aside. The learned standing counsel for the respondents

contended that the aforesaid circular was issued in pursuance of the agreement entered into between Indian Banks Association and the representatives of All India Bank Officers Confederation and it is a settlement binding on every employee including the petitioner, as such, no illegality or irregularity is committed by the respondents in fixing the basic pay of the petitioner for the purpose of calculating pensionary benefits.

4. Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that the petitioner cannot challenge the settlement entered into between Indian Banks Association and the representatives of All India Bank Officers Confederation as it is binding on him as a party to the settlement being member of the Officers Federation, and, therefore, this Court do not find any illegality or irregularity committed by the respondents in fixing his basic pay for the purpose of calculating his pensionary benefits. Thus, there are no merits to entertain this writ petition.

5. Therefore, the Writ Petition is dismissed. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Writ Petition stand dismissed.

ABHINAND KUMAR SHAVILI, J

October 4, 2018.
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