

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.03.2019

Coram

The Hon'ble Mr.Justice D. KRISHNAKUMAR

Writ Petition No. 458 of 2014

&

M.P.No.2 of 2014

Mr.N.Krishnan
Ex-Chowkidar Gr.I,
CFS, Virugambakkam,
405, Muthumariyamman Salai,
Thanthai Periyar Nagar,
Chennai - 600 087

...Petitioner

Vs.

1.The Managing Director,
Central Warehousing Corporation,
No.4/1, Siri Institutional Area,
Hauz Khas, New Delhi - 110 016.

2.The General Manager (Personnel)
Central Warehousing Corporation,
No.4/1, Siri Institutional Area,
Hauz Khas, New Delhi - 110 016.

3.The Asst. General Manager (Admin)
Central Warehousing Corporation,
No.4/1, Siri Institutional Area,
Hauz Khas, New Delhi - 110 016.

4.The Regional Manager,
Regional Office,
Central Warehousing Corporation,
Srinagar Colony,
Saidapet, Chennai - 600 015.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for the records of the 2nd respondent dated 10.05.2011 in Ref.No.CWC/Med.MISC/Admn/775D and quash the same and consequently, direct the respondents to grant of Central Warehousing Corporation Post Retirement Medical Coverage Scheme to the petitioner.

For Petitioner : Mr.K.Balaji

For Respondents : Mr.Ashok Menon
Central Warehousing Corporation

ORDER

This writ petition has been filed by the petitioner seeking to quash the proceedings in Ref.No.CWC/Med.MISC/Admn/775D issued by the second respondent and consequently, to direct the respondents to grant Central Warehousing Corporation Post Retirement Medical Coverage Scheme to the petitioner.

2.The writ petitioner had joined as Chowkidar on daily wages in the respondents Corporation on 27.10.1970 and worked at various centers of the respondents Corporation. Subsequently, the petitioner's service was regularized with effect from 20.12.1978 and the petitioner submitted his Voluntary Retirement under VRS Scheme and relieved from service on 30.04.1998 after completion of 19 years and 4 months of service from the date of regularization of service. According to the petitioner, he is aged 47 years and completed 19 years and four months of service, when he was submitted his Voluntary Retirement. As per the scheme, an employee has to complete 20 years of service or to attain the age of 50 years at the time of VRS, to get benefits under the Voluntary Retirement Service. According to the petitioner, he has to complete only eight more months of service to satisfy the condition that, either attaining the age of 50 years and completion of 20 years of service to avail Voluntary Retirement Scheme Benefits. According to the petitioner, he has given a representation dated 27.04.2011 to the first respondent, requesting them to consider him for Central Warehousing Corporation post retirement Medical Coverage Scheme. But the 2nd respondent rejected the claim of the petitioner by passing the impugned order dated 10.05.2011. Challenging the aforesaid order dated 10.05.2011, the present writ petition has been filed by the petitioner.

3. Learned counsel for the respondents would submit that, the circular dated 26.07.2007 clearly states that, an employee can seek voluntary retirement after putting at least 20 years of service or attaining the age of 50 years at the time of VRS and the petitioner has not satisfied any of the above said conditions to avail the benefit of VRS. Therefore, the second respondent rejected the claim of the petitioner.

4. A perusal of the circular dated 26.07.2007 issued by the respondents would reveal that, the employee has to attain the age of 50 or has to complete 20 years of service at the time of Voluntary Retirement. Admittedly, the petitioner has not satisfied both the conditions.

5. Considering the submissions made on either side and on perusal of the circular, this Court cannot grant any relief beyond the circular issued by the corporation. Therefore, this Court cannot show any sympathy to the petitioner by granting any relief as prayed for in the writ petition. I do not find any force on the arguments made by the learned counsel for the writ petitioner. Hence, this Court cannot entertain this petition. Accordingly, the writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Managing Director,
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Hauz Khas, New Delhi - 110 016.
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Regional Office,
Central Warehousing Corporation,
Srinagar Colony,
Saidapet, Chennai - 600 015.

+2cc to Mr.Ashok Menon, Advocate sr.21561
+1cc to Mr.K.Balaji, Advocate sr.no.21953

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sv(co)
nr 03/05/2019