

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.7971 OF 2019

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both parties.

The writ petition is filed seeking a writ of Mandamus directing the respondents to convene Governing Council meeting under Section 13 (1) of the Nizams Institute of Medical Sciences Act, 1989 (for short, 'the NIMS Act') so as to enable the Governing Council to approve the repeated favourable decisions taken by the Executive Board with regard to the claim of the petitioners to switch over from EPF to GPF (NIMS Pension Scheme) or in the alternative to seek approval from the Governing Council in circulation and to hold the action of the respondents in not doing so and denying the benefit of the petitioners on one hand and continuing them in EPF which was not properly collected/undertaken by the NIMS which is clear from the records and making the petitioners to lose both the benefits and dragging the issue for the last several years as bad, arbitrary, illegal, discriminatory, unconstitutional and also contrary to the object and spirit of the NIMS Act and also Section 13 (1) of the NIMS Act and further direct the respondents to undertake the exercise in respect of petitioners' claim in time bound manner and to release all concerned benefits including interest and costs.

Heard learned counsel for parties.

It is contended by the petitioners that they are all employees of Nizams Institute of Medical Sciences (NIMS), and the Executive Board has taken a decision in favour of the petitioners for grant of GPF benefits by switching over from EPF Scheme and the recommendations of the Executive Board are to be placed before the Governing Council. The grievance of the petitioners is that though the Executive Board has taken favourable decision in favour of the petitioners, the respondents are not convening Governing Council meeting so as to take a decision on the recommendations made by the Executive Board.

Therefore, counsel for the petitioners contended that appropriate orders be passed in the writ petition directing the respondents to convene the Governing Council meeting within a reasonable period of time so as to enable the Governing Council to take appropriate decision on the recommendations made by the Executive Board.

Government Pleader appearing for the respondents had contended that appropriate orders can be passed in the writ petition directing the respondents to convene Governing Council meeting within a reasonable period of time so as to enable the Governing Council to take appropriate decision on the recommendations made by the Executive Board in accordance with law.

This Court, having considered the submissions of learned counsel for respective parties, is of the considered view that the writ

petition can be disposed of directing respondent No.1 to convene the Governing Council meeting within a reasonable period of time, preferable within two months, so as to enable the Governing Council to take appropriate decision on the recommendations made by the Executive Board and pass appropriate orders in accordance with law.

With the above directions, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

15th October, 2019
v v

