

‘HON’BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.8102 OF 2002

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in not paying monetary benefits of Revised Pay Scales of 1999 for the period from 01.04.1999 till the date of superannuation, as illegal, unconstitutional and violative of Articles 14 and 21 of the Constitution of India and sought a consequential direction to direct the respondents to pay the Revised Pay Scales of 1999 for the period from 01.04.1999 till the respective dates of superannuation of the petitioners.

Heard Dr. Muddu Vijay, counsel for the petitioners, and Sri Deepak Battacharjee, Standing Counsel for the respondents.

It has been contended by the petitioners that they were all employed as non-teaching staff with the respondent University and they have attained the age of superannuation during 1999-2000. The grievance of the petitioners is that they are entitled for monetary benefits of Revised Pay Scales of 1999 from 01.04.1999 till they retired from service on attaining the age of superannuation, but the respondents have not granted the same. In those set of circumstances, the present writ petition is filed.

Learned counsel for the petitioners contended that as per the Regulations, the petitioners are entitled for Revised Pay Scales of 1999 and its benefits, but the respondents are not granting the same.

Therefore, counsel for the petitioners contended that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioners for grant of monetary benefits of Revised Pay Scales of 1999 with effect from 01.04.1999 till the petitioners have retired from service.

Standing Counsel appearing for the respondents had contended that the State Government is the competent authority to pay the benefits and the petitioners have not impleaded the State Government.

This Court, having considered the rival submissions of learned counsel for respective parties, is of the considered view that this writ petition can be disposed of directing the petitioners to submit a representation afresh to the respondents within a period of two weeks from the date of receipt of a copy of this order, staking their claim for grant of Revised Pay Scales of 1999 with effect from 01.04.1999 till they have retired from service on attaining the age of superannuation. Upon such representation being received, the respondents shall consider the same and pass appropriate orders in accordance with law, in another eight weeks thereafter.

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

07th November, 2019

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