

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.12786 OF 2002

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in not releasing the arrears of compassionate pension from May, 1998 to November, 2001 as illegal, arbitrary, contrary to the provisions of Andhra Bank (Employees) Pension Regulations, 1995 and in violation of principles of natural justice and sought a consequential direction to the respondents to release the arrears of compassionate pension to the petitioner from May, 1998 to November, 2001 forthwith, along with interest.

Heard learned counsel for the petitioner and the Standing Counsel appearing for the respondents.

It has been contended by the petitioner that she was initially employed as a Clerk with the respondent Bank during October, 1967 and after rendering a considerable length of service, she was promoted in various cadres and finally, while she was working as Manager MM Scale-III, disciplinary proceedings were initiated against her and, after conducting detailed enquiry, the disciplinary authority has imposed major punishment of dismissal from service vide proceedings dated 02.05.1998. Thereafter, the petitioner has unsuccessfully preferred appeal and later on, submitted an application seeking compassionate pension in terms of the provisions of Andhra Bank (Employees) Pension Regulations, 1995 (for short 'the Regulations). The respondents were pleased to sanction compassionate pension from December, 2001. The

grievance of the petitioner is that the respondents ought to have considered the compassionate pension from the date of dismissal, but not from the date of sanction. Therefore, the present writ petition is filed seeking a direction to the respondents to grant compassionate pension with effect from the date of dismissal instead of from the date of sanction.

Therefore, counsel for the petitioner contended that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for grant of compassionate pension from the date of dismissal and release the arrears of compassionate pension from May, 1998 to November, 2001 along with interest.

Standing Counsel appearing for the respondents had contended that the respondents have considered the case of the petitioner for grant of compassionate pension in December, 2001, and from then, the respondents are continuously paying compassionate pension to the petitioner, therefore, there are no merits in the writ petition.

When the petitioner was dismissed from service vide orders dated 02.05.1998 and she has submitted an application seeking compassionate pension, the respondents ought to have granted compassionate pension from the date of dismissal in terms of Regulation 31 of the Regulations. Therefore, having considered the said Regulation, this Court is of the considered view that the petitioner is entitled for grant of compassionate pension from the date of dismissal i.e., from May, 1998.

Therefore, the writ petition is allowed directing the respondents to pay compassionate pension to the petitioner from the date of dismissal

i.e., from May, 1998 to November, 2001 within a period of eight weeks from the date of receipt of a copy of this order. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

31st October, 2019
v v

