

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

W.P.No.19985 of 2001

Date : 30-8-2012

Between:

P. Narayana Reddy and others

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Petitioners

And

Electronic Corporation of India Ltd.

A Government of India (Department of
Atomic Energy) Enterprise, represented
By its Chairman and Managing Director
and others

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Respondents

Counsel for petitioners : Sri Ogirala Ramesh

Counsel for respondents : Sri P. Nageswar Sree

The Court made the following:

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ORDER:

This Writ Petition is filed for a mandamus to direct the respondents to pay all the arrears of pay on account of the Pay Revision under Circular No.961 dated 30-5-2001 with effect from 1-1-1997.

The petitioners have taken voluntary retirement under different schemes from 1-1-1997 to 31-12-2000. Under Circular No.961, dated 30-5-2001, Pay Scales of the employees of the respondents were revised with effect from 1-1-1997. The petitioners have claimed the benefit of the revised Pay Scales.

At the hearing, the learned counsel representing Sri Nageswara Sree, learned counsel for the respondents, has placed reliance on the Judgment in **HEC Voluntary Retired Employees Welfare Society Vs. Heavy Engineering Corporation Limited**^[1] in support of his submission that once an employee opts to retire voluntarily in terms of the contract, he cannot raise a claim for higher salary on the basis of the subsequent pay revision.

A perusal of the above mentioned Judgment shows that on similar facts, the Supreme Court laid down that by voluntary retirement contract, employees can opt out of

service and once an employee opts to retire voluntarily in terms of the contract, he cannot raise any claim for higher salary unless the statute or policy formulated in that behalf by the employer provides otherwise.

It is not the pleaded case of the petitioners in this case that either any statute provides for payment of the revised Pay Scales after their retiring voluntarily or that any policy has been formulated by the respondents to this effect. Therefore, following the ratio in the above mentioned Judgment, the petitioners are not entitled to the relief claimed by them in this Writ Petition.

The Writ Petition is accordingly dismissed.

As a sequel, WPMP Nos.25205/2001 and 31910/2003 are disposed of as infructuous.

Justice C.V. Nagarjuna Reddy

Date : 30-8-2012

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[\[1\]](#) (2006) 3 SCC 708