

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.32664 of 2016

ORDER:

The petitioner is a retired employee of Singareni Collieries Company Limited, Kothagudem, Khammam District, having availed Voluntary Retirement Scheme (VRS) on 30.06.2008. It is his case that he is entitled to supplementary gratuity and also difference of wages/arrears of pay on account of his notional promotion to the grade of Supervisor in 1989 and Junior Engineer (Grade-E1) in 2001, apart from medical facilities like Medical Card and payment for medical bills, but the respondent-Company has not extended those benefits to him.

Heard Sri Madhava Rao Ambadipudi, learned counsel appearing for the petitioner; and Sri J. Sreenivasa Rao, learned Standing Counsel for respondent-Company.

With respect to payment of medical bills, learned Standing Counsel submits that the petitioner's claim shall be considered as per his entitlement under the service conditions and the scheme under which he took voluntary retirement. With respect to Medical Card, learned Standing Counsel submits that the petitioner is required to submit an application seeking Medical Card whereupon the Medical Card would be issued within a period of two weeks of his submitting application. Learned counsel for the petitioner agrees to the position stated by the learned Standing Counsel.

With respect to the claim of supplementary gratuity for the period 1991 to 2008, learned Standing Counsel submits that the petitioner is not eligible for supplementary gratuity under the VRS scheme, which factored into the gratuity payable in advance and extra amount also has been paid. The said position is not disputed by learned counsel for the petitioner.

Now the only issue that requires to be considered is with respect to the claim of the petitioner for monetary benefits / difference of wages, including

arrears and consequential benefits on account of his notional promotion as Supervisor w.e.f. 01.09.1989 and as Junior Engineer (E-1 Grade) w.e.f. 01.09.1991.

Admittedly, as on date, the claim of the petitioner for difference of wages/monetary benefits on account of his notional promotion in 1989 and 1991 has neither been rejected nor accepted by the respondent-Company. Though the learned Standing Counsel for the respondent-company asserts that the petitioner is not eligible for difference of wages on account of his notional promotion, learned counsel for the petitioner submits that the respondent-Company had, in fact, considered the claim of similarly situated persons with respect to difference of wages and consequential benefits on account of notional promotion.

Having considered respective submissions, the respondent-Company is directed to take into consideration the contention of the petitioner's counsel while considering the claim of the petitioner for difference of wages and consequential benefits on account of his notional promotion as Supervisor w.e.f. 01.09.1989 and as Junior Engineer w.e.f. 01.09.1991, and communicate to the petitioner whether or not he is entitled to such benefits; and if the petitioner is not found to be eligible to any such benefit of difference of wages / monetary benefits / consequential benefits on account of his notional promotion as Supervisor in 1989 and Junior Engineer (Grade-E1) in 1991, the respondent-Company shall communicate the reasons/grounds for which the petitioner is not entitled to the benefits claimed. The entire exercise shall be completed within three weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs. Miscellaneous petitions, if any pending, shall stand closed.

CHALLA KODANDA RAM, J

07th January, 2020

Note: Issue C.C. in two days.
B/o KSM

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KSM