

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.1373 of 2007

ORDER:

Heard learned counsel for the petitioner as well as Sri Nandigama Krishna Rao, learned Standing Counsel for respondent Nos.1 and 2, and Sri N. Rajeswar Rao, learned Assistant Solicitor General appearing for respondent No.3.

2. Briefly noted, the facts, to the extent relevant for consideration, are as under:

The petitioner claims to have joined service as a Badli Coal Filler on 24.07.1973. He took voluntary retirement on 01.11.2001. This writ petition is filed contending that the service rendered by the petitioner from 24.07.1973 to 16.08.1975 is not computed for settlement of his terminal benefits and the same is illegal.

3. In support of his contention that the petitioner was appointed as a Badli Coal Filler on 24.07.1973, the petitioner placed reliance on the appointment order dt.24.07.1973 issued by the respondent Company.

4. According to the respondents, the petitioner was appointed as a Badli Coal Filler on 24.07.1973 for a period of three months and his services were automatically terminated on 14.10.1973. Subsequently, the petitioner was appointed as a Badli Coal Filler on regular basis with effect from

16.08.1975 and, therefore, this date is taken into consideration for calculating the period of service rendered by the petitioner to pay the retirement benefits to him.

5. Learned Standing Counsel for the respondent Nos.1 and 2 – Singareni Collieries Company Limited submits that as the petitioner opted for taking voluntary retirement, his application was processed and accordingly orders were issued retiring him from service with effect from 01.11.2001. In the order granting voluntary retirement, the date of entering into service was recorded as 16.08.1975 and accordingly the total service rendered by the petitioner was computed. The petitioner, having received the retirement benefits mentioned in Part-III of the order without any protest, straight away filed this writ petition in the year 2007.

6. The learned Standing Counsel also points out that in the Service Book, the date of appointment of the petitioner is recorded as 16.08.1975. This is the only reckoning date to which the petitioner did not protest on showing the date of entering into service as 16.08.1975, at any point of time.

7. Except placing reliance on the Office Order dt.24.07.1973, no other material is placed on record to show that the petitioner was working as a Badli Coal Filler continuously from 24.07.1973 so as to compute the service benefits from the said date for the purpose of payment of the retirement benefits.

8. As rightly contended by the learned Standing Counsel for respondents Company, the Service Book of the petitioner reflects his date of appointment as 16.08.1975 and the retirement order of the petitioner also mentions the date of entering into service as 16.08.1975 and accordingly, the retirement benefits of the petitioner were worked out and paid. The petitioner also did not protest regarding payment of his service benefits till 2007. The specific assertion of the respondent Company in the counter affidavit is that the petitioner was appointed as a Badli Coal Filler on 24.07.1973 for a period of three months only and his substantive appointment as a Badli Coal Filler was only from 16.08.1975 is not denied. I do not see any error committed by the respondents Company in computing the period of service rendered by the petitioner from 16.08.1975 to determine retirement benefits.

9. For the aforesaid reasons, the writ petition merits no consideration and it is accordingly dismissed. No order as to costs.

10. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE P. NAVEEN RAO

20.01.2020.
Msr

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