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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. 9663 of 2016
I.A. CAN 2 of 2020 (old no. CAN 981 of 2020)

Mr. Arun Kumar Nandi
Vs.
The Union of India & ors.

Ms. Malini Chakraborty
... For the petitioner

Mr. Anup Kanti Poddar
Mr. Ayan Poddar
Ms. Poulami Bhowmik
... For the Union of India

Ms. Chaitali Bhattacharya
Mr. K. C. Kapas
... For the State

The affidavit-in-reply affirmed on 8th June, 2017 on behalf of the petitioner is filed in Court today is taken on record.

The petitioner joined the services of Oil and Natural Gas Corporation (in short, 'O.N.G.C.') on 19th November, 1983. The petitioner resigned from services of O.N.G.C. as Chief Geologist due to personal reasons on 5th May, 2012 as stated in paragraph 3 of the writ petition. The petitioner had therefore put in 28 years of service in O.N.G.C. but had resigned on his own volition. The petitioner had two-fold grievance against his employer, O.N.G.C.

The first grievance is that the petitioner was not given the benefits under O.N.G.C. Self-Contributory Post Retirement & Death in Service Superannuation Benefit as modified on 26th November, 2013 (appearing at page 35 of the writ petition). The petitioner's second grievance is that the petitioner has not been provided the medical facilities under the Medical Facilities Scheme for Retired Employees dated 5th July, 2012 (appearing at page 54 of the writ petition).

So far as the first grievance of the petitioner is concerned, the same has been resolved as the petitioner says to have received the benefits under the modified scheme dated 26th November, 2013. The petitioner is, therefore, only pressing for second relief, that is, medical facilities under the Medical Facilities Scheme for Retired Employees.

The petitioner says that the said Medical Facilities Scheme provides for eligibility in clause III thereof. In terms of provisions of clause III (ii), the petitioner having rendered services for more than 20 years and also being over 50 years at the time when he resigned, the petitioner is eligible for the benefits under the said Scheme.

On behalf of the O.N.G.C. it is submitted that the petitioner did not take voluntary retirement but had retired from service of his own volition and as such, the provisions of clause III (ii) is not applicable in case of the petitioner. The petitioner, according to O.N.G.C., is

covered by clause III (i)(b) as the petitioner had resigned from the services of O.N.G.C. of his own volition. The petitioner, therefore, according to O.N.G.C., is not eligible for the medical facilities under the said scheme. It is further submitted by O.N.G.C. that the pensionary benefits have been extended to the petitioner under the pre-revised P.R.B.S. Scheme and not under the modified scheme dated 26th November, 2013.

Since the petitioner is not pressing for retiral benefits any further, it is inconsequential at this stage whether the benefits have been extended under the pre-revised scheme or the modified scheme dated 26th November, 2013.

After hearing the parties and considering the materials on record, I find that the petitioner had admittedly resigned from the services of O.N.G.C. on his own volition. The petitioner never opted for voluntary retirement or was granted voluntary retirement. Having not opted for voluntary retirement or asked to voluntarily retire from the services, the petitioner is not entitled to medical benefits in terms of the provisions of clause III (ii). The said clause clearly indicates that to get the benefit a person has to put in more than 20 years of service and should be over 50 years and has taken voluntary retirement. Thus, in order to get benefit under the said clause an employee has to fulfill all the three criteria. The petitioner though had served O.N.G.C. for

more than 20 years and was above 50 years on 5th May, 2012 but he has not taken voluntary retirement. The petitioner has not fulfilled all the three criteria required to get the benefit. The petitioner, therefore, does not fall within such clause. On the other hand, the petitioner has resigned from the services of O.N.G.C. on his own volition and as such, falls under clause III (i)(b). The petitioner, therefore, is not entitled to medical facilities as per the scheme dated 5th July, 2012.

The writ petition is, therefore, dismissed so far as the claims for medical benefits claimed by the petitioner are concerned.

There shall be however no order as to costs.

As a consequence thereof, the connected application is also disposed of without any order.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of necessary formalities.

(Arindam Mukherjee, J.)