

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 4128 OF 2015

ORDER:

None appears for the petitioner even today.

The petitioner claims that she is the wife of the 4th respondent, who is engaged as a cameraman with the Andhra Pradesh State Film, Television and Theatre Corporation Limited. She sought for a writ of mandamus for declaring the action of Respondents 1, 2 and 3 in not stopping the salary and retiral benefits payable to the 4th respondent, who is due for retirement on 28.02.2015, as illegal.

The petitioner appears to have submitted a representation to the Salary Disbursing Officer of the Corporation on 13.02.2015. It is stated therein that the 4th respondent is irresponsible towards the writ petitioner and their children and further, he has also stopped going to the matrimonial home, in view of an alleged illicit relationship, which he was maintaining with another woman. It is also alleged that the 4th respondent has incurred huge debts and therefore, the petitioner prayed the Salary Disbursing Officer not to pay salary and allowances and terminal benefits to the 4th respondent.

The petitioner cannot seek a writ of mandamus for the purpose for which this Writ Petition is instituted. A writ of mandamus, as is too well-known, can be issued to forbear a public authority from acting contrary to law or for enforcing a vested right. Salary and allowances are liable to be disbursed each month to every employee by a public sector corporation. It is the remuneration paid for the work rendered by the individual to the Corporation. It cannot be withheld unless as a measure of punishment for the proven breach of the conduct rules prescribed by the Corporation. Similarly, the terminal benefits, such as payment of provident fund and gratuity are regulated by the statutory regime. An obligation is thrust upon every employer to disburse those terminal benefits to all eligible employees upon their ceasing to be the employees. Therefore, the same cannot be withheld from being

disbursed on a mere representation said to have been submitted by the petitioner. If the 4th respondent is guilty of not maintaining his wife and other family members, they have to take recourse to law and get appropriate relief from the competent Court, but cannot seek a writ of mandamus for prevention of disbursement of terminal benefits. If any delay occasions in disbursal of the amount of gratuity and provident fund, the employer will be mulcted with the accountability and responsibility to pay interest thereon. Therefore, for no valid and justifiable reason, the Court cannot compel the employer not to disburse the terminal benefits, such as provident fund and gratuity. This apart, Section 60 of the Code of Civil Procedure has clearly provided the necessary guidance in the matter of attachment of certain monies. Therefore, what a civil Court cannot do can not be expected to be secured from this Court by instituting the above Writ Petition.

Hence, this Writ Petition is devoid of any merit and it is accordingly, dismissed at the admission stage. No costs.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

NOOTY RAMAMOHANA RAO, J

02nd March 2015

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