

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.2265 OF 2009

ORDER:

It is the case of the petitioners that the first petitioner retired in the month of October, 2007 as a Secretary of the 2nd respondent-Society. At the time of his retirement, as the 2nd respondent-society was not having the amounts to settle the retirement benefits, 1st petitioner was given the fixed deposit receipts for the retirement benefits amount in his name and in the name of his family members for a period of one year. The rate of interest was fixed at 7.5% p.a. The said fixed deposits were matured by 31.10.2008. Further, the 1st petitioner was also entitled to be paid a sum of Rs.41,940/- towards the encashment of 180 days of Earned Leave. In spite of the fact that the 1st petitioner was approaching the 2nd respondent-society from time to time, no action was taken by the 2nd respondent-society. Hence, the present writ petition.

Counter-affidavit was filed by the 1st respondent stating that the petitioner never approached the respondents seeking settlement of his retirement benefits and if the petitioner had approached, the Society would have settled his account. It is stated that the 1st petitioner was due a sum of Rs.45,415/- to the Society.

Considering the narrow controversy involved in the matter, this Court directed the learned counsel for the 2nd respondent to obtain instructions with respect to reaching of an amicable settlement. After several adjournments finally learned counsel for the 2nd respondent had made an offer to the learned counsel for the petitioners to pay a lump sum amount of Rs.1,60,000/- and after discussion, the figure was settled at Rs.1,70,000/-. Incidentally, the 1st petitioner is present in the Court. After discussion by way of a full and final settlement, the 2nd respondent had agreed to pay a sum of Rs.1,70,000/- to the

petitioners within a period of four weeks from today. The offer made by the learned counsel for the 2nd respondent has been accepted by the learned counsel for the petitioners after concurrence of the 1st petitioner who was present in the Court. On behalf of the parties, it is represented that the amounts agreed represents full and final settlement of the retirement benefits which were due and payable in 2007 and discharge through fixed deposit receipts and the settlement of Earned Leave account and on behalf of the respondents, it is represented that the claim of Rs.45,415/- which was due and payable by the 1st petitioner to the Society. Further, the respective parties have agreed that they have no claims against each other.

In view of the settlement reached between the parties, the writ petition is being disposed of in terms of the agreement reached between the petitioners and the 2nd respondent with a direction to the 2nd respondent-Society to make the payment of Rs.1,70,000/- (Rupees one lakh and seventy thousand only) to the petitioners within a period of four weeks from today.

With the above observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM, J.

Date:17.12.2015.

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THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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Date:17.12.2015.

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