

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.33091 of 2010

DATE: 07.07.2015

Between:

Ch.Krishna Murthy

...Petitioner

and

General Manager/CEO,
District Cooperative Central Bank Ltd and another

...Respondents

COUNSEL FOR THE PETITIONER : SRI THATA SINGAIAH GOUD

COUNSEL FOR RESPONDENT No.1 : SRI K.V.SESHAGIRI RAO

COUNSEL FOR RESPONDENT No.2 : SRI V.SUDHAKAR REDDY

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.33091 of 2010

ORDER:

This Writ Petition is filed for a mandamus to declare the action of respondent No.2 in not releasing gratuity, leave encashment etc., to the petitioner as on the date of his retirement on 30.06.2006 as illegal and arbitrary.

The petitioner worked as Paid Secretary in several primary agricultural cooperative societies. However, at the time of his retirement, he worked in respondent No.2 society as Paid Secretary. The grievance of the petitioner is that respondent No.2 society has not paid him the terminal benefits for the entire length of his service and instead, it has paid gratuity only to the extent of length of service rendered by the petitioner in that society.

Respondent No.2 society filed a counter-affidavit wherein it has stated that as per G.O.Ms.No.273, Agricultural and Cooperation (COOP.V) Department, dated 07.09.2007, the terminal benefits payable to the secretaries/employees as per the Rules should be shared by the respective societies in the ratio of the service rendered by the secretaries/employees in such societies.

Learned counsel for the petitioner placed reliance on the resolution, dated 30.06.2006, whereby respondent No.2 has purported to pay the entire gratuity to the petitioner.

In the counter-affidavit filed by respondent No.2, it has stated that the petitioner being Paid Secretary has managed to pass the said resolution on the date of his retirement and that such a resolution, which is contrary to G.O.Ms.No.273, cannot be enforced against respondent No.2.

In my opinion, when the petitioner has worked in respondent

No.2 society for a specific period, the said respondent cannot be mulcted with the liability of payment of gratuity for the entire length of service rendered by him in other societies. Indeed, that is the true spirit behind not fastening such liability under G.O.Ms.No.273, dated 07.09.2007. As respondent No.2 has admittedly paid the proportionate terminal benefits to the petitioner to the extent of the service rendered by him in the said society, he is not entitled to receive any further amount towards gratuity from respondent No.2.

For the above-mentioned reasons, I find no merit in this Writ Petition. The Writ Petition is accordingly dismissed, however, with liberty to the petitioner to avail appropriate legal remedies against the other societies, in which, he has worked as a Secretary for payment of proportionate amount towards gratuity, by them.

As a sequel to dismissal of writ petition, WPMP.No.42023 of 2010 filed by the petitioner for interim relief is disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

7th JULY, 2015.

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