

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO. 40836 OF 2014

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ORDER:

The petitioner herein who claimed the relationship of wife with the third respondent, sought for a *Writ of Mandamus* for declaring the action of the offices of the Singareni Collieries Company Limited in not withholding the retrial benefits of the third respondent as illegal and arbitrary.

The inspiration for the writ petition was the order passed by the learned Additional Judicial Magistrate of First Class, Karimnagar on 06.04.2010 in D.V.C.No.27 of 2008 granting a monthly maintenance of Rs.3,000/- payable to the petitioner by the third respondent. It is the further case of the writ petitioner that even this paltry amount of Rs.3,000/- per month has not been settled by the third respondent and he fell in arrears. Therefore, the present writ petition is filed.

When once an employee has retired from service, the employer is bound to settle his terminal benefits such as gratuity, provident fund, leave encashment and in case the establishment is a pensionable establishment, the pension as well. Such amounts cannot be withheld or delayed. Any delay in settling the terminal benefits would mulch the employer with the application to settle the same with interest unnecessarily. Hence, the terminal benefits cannot be withheld from being settled as early as possible after the retirement from service by the individual.

It is appropriate to notice that the philosophy enshrined under Section 60 C.P.C. clearly brings out that the terminal benefits in the hands of certain classes of employees are forbidden from being attached to the Civil Court even, inasmuch as, the retired employees

will have to take care of themselves particularly, in the evening hours of their life. Therefore, the writ as prayed for cannot be issued.

However, it shall be open to the petitioner to work out her remedies by securing attachment of an appropriate amount, which is capable of being so attached by the Civil Court.

With this, the writ petition stands dismissed at the admission stage after hearing the learned counsel for the petitioner as well as Sri Nandigam Krishna Rao, learned standing counsel for respondents 1 & 2.

Consequently, miscellaneous applications pending shall also stand dismissed. No costs.

JUSTICE NOOTY RAMAMOHANA RAO

19.01.2015
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