

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITIONS No. 8340 OF 2009, 6311, 7166 OF 2011 AND 7022 OF 2012

AND

CONTEMPT CASES No. 1026 OF 2008, 99, 1957, 2000 OF 2013 AND 2043
AND 2168 OF 2014

COMMON ORDER:

In all these cases, since the parties being one and the same and the relief sought for relates to the same subject matter, they are all heard together and decided by this common order.

For the sake of convenience, the array of parties in Writ Petition No. 7022 of 2016 will be referred to.

The petitioner, while working as the Supervisor in the 2nd respondent Karimnagar District Cooperative Central Bank Limited, was deputed to work as Person-in-charge of the 10th respondent Primary Agricultural Cooperative Credit Society Limited, Shakkella (now merged with Gollapally PACCS, Jagtial Branch). On 21.07.2002, he retired from service after attaining the age of superannuation. However, he was not paid the retiral benefits, including gratuity, which dragged him to litigate with the respondents in a series of cases. The principal grievance of the petitioner is that the bank sought to realise from him the loan amounts, which were availed by some of the loanees.

The petitioner filed Writ Petition No. 8340 of 2009 to declare the proceedings in Rc.No. 1893/2001-I, dated 19.09.2008 of the 3rd respondent therein as arbitrary and illegal. Writ Petition No. 6311 of 2011 was filed to direct Respondents 1 and 2 therein to initiate recovery proceedings against the 3rd respondent for recovery of Rs.2,70,768/- with interest at 9% p.a. as per the

Certificate of the Controlling Authority under Payment of Gratuity Act and Assistant Commissioner of Labour passed in Case No. P.G.2 of 2006 dated 16.04.2008 forthwith and to quash the said proceedings, the 2nd respondent bank filed Writ Petition No. 7166 of 2011. Writ Petition No. 7022 of 2012 was filed to declare the letter Ef. No. B5/674/2008-09 dated 26.06.2008 issued by the 2nd respondent on the basis of the letter dated 16.06.2008 of the 10th respondent as illegal and arbitrary.

The petitioner also filed Contempt Case No. 1026 of 2008 against the respondents therein for flouting the order dated 22.01.2008 in Writ Petition No. 27214 of 2007. Contempt Case No. 99 of 2013 was filed for not complying with the common order dated 02.04.2012 passed by this Court in Writ Petitions No. 7022 of 2012, 8340 of 2009, 6311 and 7166 of 2011 and Contempt Case No. 1026 of 2008. But the said C.C. No. 99 of 2013 was closed as the petitioner has not complied with the direction of the Court to file a fresh affidavit apprising the Court whether that Case still survives in view of the orders passed on 01.07.2012 in Writ Petition No. 7022 of 2012. However, in view of Application No. 4 of 2014 taken out *'for being mentioned'*, this Contempt Case has been coming up for consideration. As regards Contempt Cases No. 1957, 2000 of 2013 and Contempt Cases No. 2043 and 2168 of 2014 are concerned, they have been filed to punish the respondents for disobeying the Orders of this Court dated 06.09.2013, 01.10.2013, 18.08.2014 and 18.08.2014 respectively passed in Writ Petition No. 7022 of 2014.

Since the petitioner is a party-in-person, he has been extended the assistance of one legal aid counsel or the other from time to time, but he was not satisfied with the *pro bono* service that was rendered by the respective counsel and hence, sought to defend his cases as a party-in-person. However, unfortunately, the petitioner, who is a septuagenarian, is unable to assist the Court. Hence, at the request, on 26.09.2015, Sri N. Praveen Reddy, learned counsel, graciously accepted to assist this Court as an *amicus*.

Heard learned Government Pleader for Cooperation (Telangana) on behalf of Respondents 1, 4, 5 and 7 to 10 and Sri P. Srinivas, learned Standing Counsel on behalf of the 2nd respondent bank.

After considering the voluminous material available on record, particularly the surcharge proceedings issued against the petitioner and the amount that may be recoverable from him from time to time which was carrying interest at 18% per annum and also considering the orders of the Competent Authority under the Payment of Gratuity Act, this Court suggested the parties to work out an amicable solution so as to give a quietus to the litigation. On instructions, the learned Standing Counsel for the bank submits that whatever orders that may be passed by this Court would be honoured in its *letter and spirit*.

A perusal of the surcharge proceedings dated 14.11.1994 would go to show that the petitioner was found to be liable to pay a sum of Rs.24,374/- with interest at 18% per annum from 1988. At

the time of superannuation, a sum of Rs.1,22,097/- was deducted from his gratuity and the balance amount was paid. However, when the petitioner approached the Competent Authority under Payment of Gratuity Act and the Assistant Commissioner of Labour, *vide* order dated 16.04.2008, it has been directed that the petitioner be paid Rs.2,70,768/- with interest at 9% per annum for the period from 01.08.2002 till the date of payment. The said Order was challenged by the 2nd respondent bank in Writ Petition No. 7166 of 2011, raising various grounds. This Court, purely on humanitarian grounds, suggested a sum of Rs.75,000/- to be paid to the petitioner to put an end to the litigation. Though the petitioner initially is reluctant to accept the said amount and insisted for Rs.99,000/-, finally he has relented to receive Rs.75,000/-. Hence, this Court directed the respondent bank to pay a sum of Rs.80,000/-, pursuant to which, today, a pay order bearing No. 225538 dated 23.12.2016 for a sum of Rs.80,000/- drawn in favour of the petitioner, has been produced before this Court. The petitioner also filed an affidavit on 21.12.2016 undertaking to the effect that he would abide by the decision taken by this Court. The petitioner, who is in the present in the Court, as well as the learned *Amicus* categorically assert that the settlement suggested by the Court is just. Therefore, the pay order is handed over to the petitioner, receipt of which has been acknowledged in favour of the 2nd respondent bank.

It is made clear that the amount of Rs.80,000/- is towards full and final settlement with respect to all claims of the petitioner against the 2nd respondent bank.

Writ Petitions No. 8340 Of 2009, 6311 of 2011 and 7022 of 2012 are therefore, closed. Writ Petition No. 7166 of 2011 stands allowed. The impugned order dated 16.04.2008 stands modified to the above-said effect.

In view of the order passed above in the Writ Petitions, no further orders need be passed in all the Contempt Cases, hence, they stand closed.

Before parting with all these cases, this Court commends the efforts put in by *Sri N. Praveen Reddy*, learned *Amicus*, who assisted the Court to give a logical conclusion to this long pending litigation.

The miscellaneous Applications, if any shall also stand closed.

26th December 2016

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CHALLA KODANDA RAM, J

