

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

WRIT APPEAL No.1557 of 2008

JUDGMENT: (per Hon'ble Sri Justice Sanjay Kumar)

Sri D. Krishna Murthy, learned counsel, who had earlier appeared for the appellants, states that he is no longer the standing counsel and therefore has no instructions. However, given the nature of this appeal, we are not inclined to grant any adjournment on this ground.

The writ appeal arises out of the interim order dated 18.09.2008 passed by a learned Judge in W.P.M.P.No.3482 of 2006 in W.P.No.2830 of 2006 directing the Andhra Pradesh State Cooperative Bank Limited to pay gratuity and leave encashment to the writ petitioner within a time frame.

While admitting this writ appeal on 25.11.2008, a Division Bench of this Court stayed the implementation of the said interim order but, recorded the undertaking given by the bank to the effect that if the writ petitioner succeeded, the bank would pay the amount of gratuity along with interest thereon at the rate fixed by this Court.

As the writ petition relates to the year 2006 and would be ripe for final hearing, we find no cause for further interlocutory adjudication at this stage. It is for the writ petitioner to seek adjudication of his claim in the writ petition on merits and in accordance with law. We merely reiterate the undertaking given by the bank that in the event the writ petitioner succeeds, the bank would pay the amount of gratuity along with interest thereon at the rate fixed by this Court.

Subject to the above observation, the writ appeal is allowed setting aside the interim order under appeal.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Dr. B. SIVA SANKARA RAO, J

Date:28.06.2016

GJ