

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.16318 of 2010

ORDER:

1. The petitioner was appointed as a Typist in the respondent organization on 24.05.1960. He applied for voluntary retirement on 24.09.2003 and he was permitted to retire from service under the scheme on 30.11.2003. As on the date of retirement, he was working as U.D.C. Though the petitioner was permitted to retire from service voluntarily, his terminal benefits were not settled and, on the other hand, a show cause notice was issued to him on 28.04.2004 stating that the 2nd respondent has come to a provisional conclusion to re-examine his case setting aside the punishment already awarded and, therefore, called for an explanation from the petitioner. Challenging the same, the petitioner filed W.P.No.9912 of 2004 and this Court by order dated 18.06.2004 suspended the said proceedings dated 28.04.2004. Ultimately, the said writ petition was disposed of on 21.10.2008 holding that the said show cause notice does not suffer from any legal infirmity as it was issued as per the Regulation 14 (A) (i) of A.P.S.E.B. Discipline and Appeal Regulations. However, the petitioner was given liberty to submit his explanation within a period of two weeks from the date of receipt of a copy of that order. Accordingly, the petitioner submitted an explanation to the respondents and that the terminal benefits were released on 09.07.2009. The present writ petition was filed seeking payment of interest on the retirement benefits.

2. As could be seen from the above narration of events, the petitioner was permitted to retire from service voluntarily on 30.11.2003. The learned Counsel for the petitioner submits that the retirement benefits have to be settled within a period of three months from the date of retirement. However, on 28.04.2004 a show cause notice was issued seeking explanation from the petitioner for setting aside the punishment already awarded by the 2nd respondent. Challenging the same, the petitioner filed W.P.No.9912 of 2004 and the said show cause notice was

upheld by this Court by order dated 21.10.2008. The delay from 2004 to 2008 has been occurred due to the action of the petitioner only. The terminal benefits were released to the petitioner on 09.07.2009. After disposal of the writ petition on 21.10.2008, the petitioner was given liberty to submit his explanation and accordingly he submitted an explanation to the respondents. After considering the explanation of the petitioner only, the terminal benefits were released on 09.07.2009. In view of the delay caused by the petitioner himself, he is not entitled for any interest on the terminal benefits released on 09.07.2009.

3. The Writ Petition is accordingly dismissed. No order as to costs.
Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

02-03-2016

Gsn