

**HON'BLE SRI JUSTICE M. SATYANARAYANA
MURTHY**

WRIT PETITION No.21204 OF 2014

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ORDER:

The learned counsel for the petitioner submits that no further orders are necessary, since gratuity and other retirement benefits are released to the petitioner.

In view of the above submission, this Writ Petition is dismissed as infructuous. But this order will not come in the way of the respondent to proceed in accordance with law. Since the benefit will not merge in the final order.

I n Kala Bharathi Advertising v. Hemanath Vimalanath Narichania and others), at para-22 it was held as follows:

“It is not permissible to a party to file writ petition, obtaining certain orders during the pendency of the petition and withdraw the same without getting proper adjudication of the issue involved therein and insist that the benefits of interim orders or consequential order passed in pursuance of the interim order passed by the writ Court would continue. The benefit of interim relief automatically gets withdrawn/neutralized on withdrawal of the said petition. In such a case concept of restitution becomes applicable otherwise the party would continue to get benefit of the interim order even after losing the case in the Court. The Court should also pass order expressly neutralizing the effect of all consequential orders passed in pursuance of the interim order passed by the Court. Such express direction may be necessary to check the rising tendency among the litigants to secure the relief as an interim measure and then avoid adjudication on merits.(Abhinayoo Ram v. State of U.P.((2008) 17 SCC 73)

With the above said observation, the Writ Petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed.

JUSTICE M. SATYANARAYANA MURTHY

Date.12.04.2016

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