

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT.JUSTICE T. RAJANI

Writ Appeal No.626 of 2017

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the learned Single Judge in W.P. No. 45888 of 2016 dated 17.1.2017. The appellant herein is the petitioner in the writ petition wherein she sought a mandamus to direct the District Educational Officer and the Mandal Education Officer not to settle the retirement benefit papers of the 4th respondent till disposal of O.P. No. 186 of 2015 on the file of the Family Court, Hyderabad. The 4th respondent is said to have filed O.P. No. 186 of 2015 seeking divorce from the appellant herein. The 4th respondent is a Government servant who is said to have retired from service on 31.12.2016. Alleging that he had declared some other lady as his nominee, the appellant contends that disciplinary proceedings should be initiated against him, and that his pension papers should not be released.

The nominee of a Government servant is entitled to receive the amounts due only if the Government servant dies while in service. Admittedly, the 4th respondent is still alive and, on his retirement, it is he who is entitled for payment of his retiral benefits. The question whether disciplinary proceedings should be initiated against the 4th respondent even after his retirement, for having disclosed the name of another lady in the nomination form, is beyond the scope of this writ petition wherein the relief sought is not to settle his retirement benefits till the disposal of the O.P.

The learned Single Judge was justified in observing that withholding of retirement benefits could be permitted only in the case of pending disciplinary proceedings, or if the employee was visited with a major penalty of dismissal from service; and the relief sought for by the appellant cannot be granted. The appellant's interest was adequately

protected by the learned Single Judge who, in the order under appeal, held that, if the appellant had any grievance with the 4th respondent, she had to independently work out the same in accordance with law.

The scope of interference in an intra-Court appeal, under Clause 15 of the Letters Patent, is extremely limited and save cases where the order under appeal suffers from a patent illegality, no interference is justified. The order under appeal does not suffer from any such infirmity.

The writ appeal as filed is wholly mis-conceived and is, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(T. RAJANI, J)

2nd June, 2017

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