

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT APPEAL No.950 of 2017

Date:14.9.2017

Between:

Komarada PACS Limited,
Komarada Village

..... Appellant

And:

Marrapu Sivur Naidu,
S/o Late Papi Naidu and two others.

.....Respondents

Counsel for the appellant: Ms. T.Dhana Lakshmi
For Mr. P.L.Rao

Counsel for respondent No.1: Mr. E.V.V.S.Ravi Kumar

Counsel for respondent Nos.2 & 3: GP for Co-Operation

The Court made the following:

ORDER: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

This Writ Appeal is filed by respondent No.1 in Writ Petition No.20053 of 2012 feeling aggrieved by order, dated 11.4.2017, passed therein by the learned single Judge directing it to forthwith release all the amounts due and payable to respondent No.1-writ petitioner within three months from the date of receipt of a copy of that order. The learned single Judge further directed that respondent No.1-writ petitioner is entitled to interest @ 6% p.a. on the amounts payable to him from the date the same fell due till they are paid.

When this Writ Appeal came up before us on 28.08.2017, we have adjourned the case to enable the learned counsel for the appellant to file the affidavit of a responsible employee of the appellant-society explaining the basis on which it is disputing the quantum of the retirement benefits being claimed by respondent No.1. Accordingly, an affidavit is filed by the President of the appellant-society, wherein it is stated that respondent No.1 is entitled to receive a sum of Rs.1,05,000/-, out of which, he is due in a sum of Rs.78,762/- leaving a balance of Rs.21,738/- payable to him by the appellant-society.

Though respondent No.1 claimed that he is entitled to receive a sum of Rs.4,56,087/-, the learned single Judge has not quantified the amount to which he is entitled to. Instead, the

learned single Judge has left it to the appellant-society to release all the amounts due and payable to respondent No.1. In the absence of any quantification made by the learned single Judge, no direction can be given to the appellant to pay more than what is admitted to be due from it to respondent No.1. Therefore, no further adjudication of the Writ Appeal is required, except to the extent of directing the appellant to pay the sum of Rs.21,738/-, being the admitted liability towards respondent No.1.

As regards the payment of interest, as the appellant failed to pay the amounts due to respondent No.1, the latter is entitled to be compensated by way of interest. The learned single Judge has fixed a very reasonable rate of interest @ 6 % per annum and therefore, we are not inclined to interfere with the discretion exercised by the learned single Judge as regards the payment of interest to respondent No.1 on the amounts payable to him from the date the same fell due till they are paid.

If respondent No.1 is aggrieved by the determination of quantum of amount payable to him by the appellant, he shall be free to avail his remedy before the Assistant Commissioner of Labour under the Shops and Establishments Act, 1988.

Subject to the above observations and directions, the Writ Appeal is disposed of.

As a sequel, WAMP.No.1846 of 2017 is disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE GUDISEVA SHYAM PRASAD

14th September 2017

DR

