

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.45888 OF 2016

Dated:17.01.2017

Between:

Smt. T. Laxmi @ Laxmi, W/o. T. Prakash,
Aged about 53 years, Occ: Employee,
R/o.3-1-121, Mimboliadda, Kacheguda,
Hyderabad

.. Petitioner

And

The State of Telangana, Education Department,
Rep., by its Principal Secretary,
Secretariat at Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

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ORDER:

Heard. With the consent of learned counsel for the parties, this Writ Petition is being disposed of at the stage of admission.

2. This Writ Petition is filed for the following prayer:

“... to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus directing the 2nd and 3rd respondents not to settle the retirement benefit papers of the respondent No.4 till disposal of O.P.No.186 of 2015 on the file of the family Court, Hyderabad, in the interest of justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

3. The petitioner is wife of the 4th respondent, who retired from service as Teacher on attaining the age of superannuation on 31.12.2016. It is averred in the affidavit filed in support of the Writ Petition that earlier the 4th respondent filed O.P.No.24 of 1997 on the file of Senior Civil Judge, Miryalguda, for grant of divorce from the petitioner and the same was dismissed on 07.01.2003. The petitioner filed O.P.No.824 of 1998 on the file of Family Court, Hyderabad, praying to grant restitution of conjugal rights and the same was decreed on 15.06.2002, but the same is not complied with by the 4th respondent. Even the complaints filed by the petitioner against the 4th respondent are not responded to. Thereafter, the 4th respondent filed O.P.No.186 of 2015 on the file of Family Court, Hyderabad, praying to grant divorce from the petitioner and the same is pending. Narrating these facts about

the 4th respondent, the petitioner claims that retirement benefits payable to the 4th respondent should not be released.

4. As per the provisions of the Andhra Pradesh Revised Pension Rules, a retired employee is entitled to payment of all the retirement benefits and monthly pension, if any disciplinary proceedings or any earlier disciplinary action against him from the date of retirement are not pending. Thus, withholding of retirement benefits can be ordered only in the case of pending disciplinary proceedings or if the employee was visited with major penalty of dismissal from service. Hence, the relief, as sought for by the petitioner, cannot be granted to her. If the petitioner has any grievance with the 4th respondent, she has to independently work out the same in accordance with law.

5. The Writ Petition is accordingly dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, filed in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:17.01.2017

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