

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.23186 OF 2000

ORDER:

1. This writ petition is filed seeking to issue a writ of mandamus declaring the action of the respondents in not paying the extra gratuity payable to the petitioner taking into account his 10 ½ years service in operation and maintenance cadre for the period from 9.12.1958 to 30.6.1968 as arbitrary and illegal, and consequently, to issue a direction to the respondents for payment of extra gratuity to the petitioner.

2. Heard Sri Venu Gopala Rao Pasnooru, learned Counsel for the petitioner and Smt. K. Udayasri, learned Counsel for the respondents.

3. It has been contended by the learned Counsel for the petitioner that the petitioner was initially appointed as Line Inspector on 9.12.1958, and that in operation and maintenance wing of the respondent-organization, he worked upto 30.6.1968 and during the professional exercise undertaken by the respondents, the petitioner was converted as supervisor from 1.7.1968 and that for the services rendered by the petitioner in operation and maintenance for the above period, gratuity was not paid. It is brought to the notice of this Court that the petitioner has died during the pendency of this writ petition, and his legal representatives were brought on record.

4. The learned Counsel for the respondents contended that the entire gratuity was paid to the petitioner during his life time for the entire service rendered by him including for the period from 9.12.1958 to 30.6.1968, and no part of gratuity was withheld, and in view of the same, no cause in this writ petition would survive.

5. When it is categorically stated by the respondents in their counter that they paid gratuity to the petitioner, the same was not denied by the petitioner. But the learned Counsel for the petitioner submits that the service rendered by the petitioner in operation and maintenance wing, was not counted for the purpose of pension of the petitioner. But the said relief was not sought in this writ petition, If the legal representatives of the deceased petitioner are so advised, it is always open to them to make a representation to the respondents-authorities concerned to count the services rendered by the deceased petitioner in the operation and maintenance wing of the respondent-organization. On such representation being made, it is needless to say that the respondents concerned shall consider the same and pass appropriate orders within a period of eight weeks thereafter, in accordance with law.

6. Accordingly, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI,J)

14th December, 2017
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