

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.30886 OF 2017

ORDER :

It is the case of the petitioner that he retired from service from the respondents-University on 31.03.2013; that as per the prohibitory order dated 22.03.2013 in respect of EP.No.25/2013 in OS.No.108/2009 issued by the Senior Civil Judge-cum-Assistant Sessions Judge, Mangalagiri, the 1st respondent issued letter dated 26.03.2013 withholding an amount of Rs.2,05,006/- from the petitioner's retirement benefits. Thereafter the said EP.No.25/2013 in OS.No.108/2009 on the file of Senior Civil Judge, mangalagiri has been dismissed and the attachment has been raised on 17.06.2013. Though the said orders were intimated to the respondents with a request to release the said amount of Rs.2,05,006/- which was withheld, no orders are passed. The petitioner also got issued legal notice dated 03.06.2017 demanding the said amount along with accrued interest. Having received the said notice on 15.06.2017 the 2nd respondent has not released the said amount to the petitioner. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioner and Sri P.Madhusudan Reddy, learned Standing Counsel for the respondent University.

Learned counsel for the petitioner submits that when once the EP.No.25/2013 in OS.No.108/2009, in which the said amount of Rs.2,05,006/- was attached, is dismissed and attachment is raised, the respondents cannot withhold the amount.

Sri P.Madhusudan Reddy, learned Standing Counsel for the respondent University produced a copy of legal notice dated 25.07.2017 said to have been issued by the wife and daughter of the petitioners wherein it was requested the 2nd respondent to withhold an amount of Rs.2,72,204/- since two more IA.Nos.183 &184/2016 in OS.No.59/2013 are pending.

It is to be seen that in the legal notice issued to the 2nd respondent by the petitioner, it is clearly stated that EP No.25 of 2013 in OS No.108 of 2009 was dismissed on 17.06.2013. In the legal notice allegedly sent by the wife and daughter of the petitioner on 25.07.2017, there is no mention about any order of attachment of the retirement benefits of the petitioner by the Court below attaching the retirement benefits of the petitioner. In view of the same the action of the respondent authorities withholding the retirement benefits of the petitioner is arbitrary and illegal. Admittedly, the petitioner had made representation dated 24.03.2017 to the respondents seeking release of the retirement benefits in view of dismissal of EP No.25 of 2013 on 17.06.2013.

Having regard to the facts and circumstances of the case, there shall be direction to the respondent authorities to

consider the representation dated 24.03.2017 submitted by the petitioner within three weeks from the date of receipt of a copy of this order and take action for release of the said amount unless there is any attachment of the said amounts by any Court of law.

Accordingly, the writ petition is allowed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

22.09.2017
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A.RAJASHEKER REDDY, J



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