

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.10181 of 2008

ORDER:

Heard Mr.L.V.S.Naga Raju for petitioner, Smt.K.Sesharajyam for respondent No.3 and Smt.A.Vijetha, learned Assistant Government Pleader for respondent Nos.1 and 2.

2. One B.Venkataramudu/1st petitioner filed the instant writ petition for declaring the action of respondents particularly 3rd respondent in not releasing retirement benefits due to him, including the arrears of salary, etc., as illegal and unconstitutional.

3. The petitioner on 28.09.2007 submitted representation on the prayer canvassed in this writ petition. On 04.09.2008, this Court directed respondents to look into the representation and pass orders based on petitioner's entitlement and record. The 3rd respondent filed petition to vacate the interim order dated 04.09.2008. The 1st petitioner during pendency of the writ petition died and petitioner Nos.2 to 5 are brought on record.

4. The 3rd respondent filed counter-affidavit. While opposing the writ prayer, refers to a few circumstances disentitling 1st petitioner for any of the benefits claimed by him. Mr.L.V.S.Naga Raju submits that the objections now raised in the counter-affidavit are untenable and all the circulars, rules, etc., are not taken note by 3rd respondent for refusing the benefit claimed by 1st petitioner. Further, the 3rd respondent if takes a decision on the representation submitted by the

1st petitioner, the 1st petitioner would be in a position to canvass the legality of such communication if the request is refused with untenable grounds. The stand taken in the counter-affidavit is too general and, therefore, requests the Court to direct the 3rd respondent to pass orders on representation dated 28.09.2007. The counsel for the 3rd respondent tried to justify the stand taken in the counter-affidavit by referring to few circulars, etc., and alternatively consented to disposing of the writ petition by directing 3rd respondent to pass orders on representation dated 28.09.2007. The 1st petitioner since is no more and the cause is canvassed by his legal representatives and keeping in view the nature of complaint the 1st petitioner had in this behalf, this Court is also of the view that the 3rd respondent, being the employer of the 1st petitioner, ought to consider the representation and pass a reasoned order dealing with each of the items claimed by the 1st petitioner. The said exercise shall be completed within eight weeks from the date of receipt of a copy of this order. Petitioner Nos.2 to 5 are permitted to re-submit the representation by enclosing a copy of this order within one week from today.

5. The writ petition is disposed of as indicated above.

6. Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

31st July 2017
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