

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.24853 of 2013

ORDER:

Heard.

2. The present Writ Petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in not paying gratuity, provident fund and other retirement benefits to the petitioners as illegal and arbitrary.

3. The averments in the affidavit filed in support of the writ petition would show that the petitioners have put in 25 years of service and retired on attaining the age of superannuation in the years 2011 and 2012 respectively. It is stated that at the time of retirement, they were not paid service benefits for which they are entitled to. In spite of repeated requests the second respondent turned a deaf ear. The inaction of the respondents in not paying the service benefits, which the petitioners are entitled to receive, is a subject matter of challenge in the present writ petition.

4. A counter affidavit came to be filed by the respondents disputing the averments made in the affidavit filed in support of the writ petition. It is stated by the learned counsel for the second respondent that after filing of the writ petition, the petitioners were paid some amounts due to lack of funds and as the factory is running in huge loss, they are not in a position to clear the dues.

5. Since part of the retirement benefits are said to have been paid after filing of the writ petition, the petitioners shall make fresh representation giving calculation memo as to the amount due to the second respondent, within a period of three weeks from today, in which

event, the same shall be considered, in accordance with law, within a period of four weeks thereafter. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

19.04.2017
vhb

