

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.25511 OF 2017

ORDER:

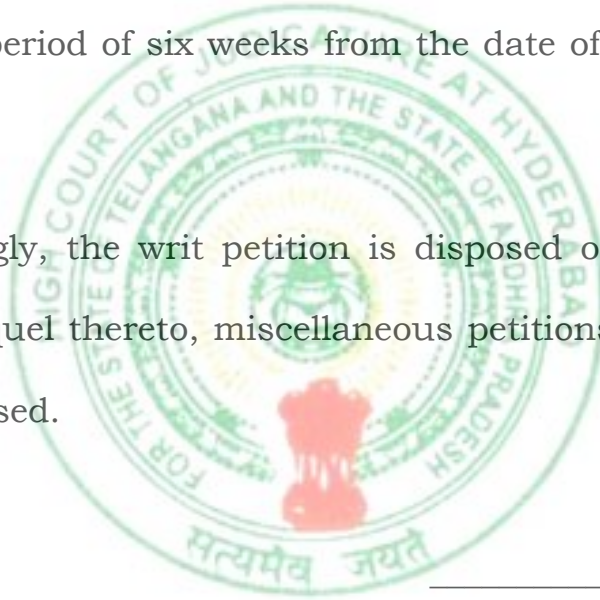
It is the case of the petitioner that he was appointed as Cleaner in respondent Corporation on 21.04.1977 and thereafter he got promotions, timely and retired from service on 31.07.2016 while working as A.E., Mechanical in 2nd respondent Depot. Though the petitioner is entitled for retirement benefits like Leave encashment, Revised Pay Scale, Last Salary with DA arrears and Fixation of pension amount and monthly pension, the respondent authorities are not paying the said benefits to the petitioner. Though the petitioner approached and requested the authorities to pay retirement benefits, the 2nd respondent is not taking any steps to pay the benefits to the petitioner. As such, the petitioner submitted representation dated 27.05.2017, finally, for grant of retirement benefits. As no action is taken by the respondents on the representation of the petitioner, present writ petition is filed.

Heard learned counsel for the petitioner.

Sri N.Vasudeva Reddy, Learned Standing Counsel for respondents submits that maintenance case is filed against the petitioner and he also produced order dated 27.04.2016 passed by the I Addl.Judicial Magistrate of First Class, Jagtial in Cr.M.P.No.172/2016 in DVC.No.4/2015 which was allowed in part directing the petitioner herein to pay interim maintenance amount to the petitioner therein.

In this case it is to be seen that unless there is any attachment order by the competent Court attaching the retirement benefits or any order restraining the respondent authorities from paying retirement benefits, the respondent authorities cannot withhold the pensionary benefits and other retirement benefits. In the present case no such attachment order is produced. In view of the same, the 2nd respondent is directed to consider the representation of the petitioner by taking the above facts into account and pass orders for release of retirement benefits if there is no restraintment order from competent Court against the same, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.



A.RAJASHEKER REDDY,J

16.08.2017

Note: Issue CC in three days.

B/o.tk