

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.7282 of 2004

ORDER

This writ petition is filed seeking the following relief:

“...to issue a writ, order or direction more particularly one in nature of Writ of Mandamus by declaring the action of the respondents in not paying all the terminal benefits to the petitioner as skilled ‘B’ category employee and withholding the interim relief amount of Rs.12,500/- as illegal, arbitrary and consequently direct the respondents to pay all the terminal benefits to the petitioner as skilled ‘B’ category employee as per the revised pay scales and also direct the 2nd respondent to pay the withholding interim relief orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

Heard Smt R.Annapurna, learned counsel appearing for the petitioner, learned Government Pleader for Co-operation and learned Government Pleader for Industries and Commerce appearing for the respondents.

It is the case of the petitioner that he was appointed as a worker in the 3rd respondent in the year 1969 and while he was discharging his duties as such, he was deputed to work in the 2nd respondent. Thereafter, the 2nd respondent-Management has repatriated the petitioner to the 3rd respondent, by the date of which, the 3rd respondent has become sick industry.

The grievance of the petitioner is that though he has put in more than two decades of service, the 2nd respondent has not settled his terminal benefits, on the other hand, the 2nd

respondent has recovered the interim relief amount of Rs.12,500/-.

Learned counsel appearing for the petitioner contends that the 2nd and 3rd respondents have become sick industries, the 4th respondent has taken over 2nd and 3rd respondents and that appropriate orders be passed directing the 4th respondent to pay terminal benefits and also the interim relief which was recovered from the petitioner.

Learned Government Pleader appearing for the respondents contends that the petitioner is a 'C' category employee, but not a 'B' category employee; that he is not entitled for the benefits under Voluntary Retirement Scheme and the amount of Rs.12,500/- was recovered from the petitioner by the 2nd respondent at his request; that there are no merits in the writ petition and the same is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that ends of justice would be met if a direction is given to the petitioner to submit a representation afresh to the 4th respondent.

Accordingly, the Writ Petition is disposed of directing the petitioner to submit a representation afresh to the 4th

respondent seeking terminal benefits within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation, the 4th respondent shall consider the same and pass appropriate orders within four weeks thereafter, in accordance with Rules. No costs.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

13th December, 2018
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