

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.36824 OF 2015

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus declaring the action of the respondents in non-payment of retirement amount to the petitioner i.e., settlement amount, leave encashment, revised pay scales 2013 and any other amounts, as arbitrary, illegal and consequently to direct the respondents to pay retirement amounts.

Heard Sri T.S.Venkata Ramana, learned counsel appearing for the petitioner and Sri S.V.Ramana, learned Standing Counsel appearing for the respondent-Corporation.

It is the case of the petitioner that he was appointed as Attender in the year 1992, on contract basis. Subsequently, his services were regularized. After working nearly 24 years in the respondent-Corporation, he retired from service on 30.4.2015, on attaining the age of superannuation. The respondent-Corporation has paid all the terminal benefits, except leave encashment, revised pay scales 2013 and settlement amount. In those circumstances, the petitioner has submitted a representation on 3.10.2015 to the respondent-Corporation. But, so far, no orders have been passed thereon. Hence, the present writ petition.

Learned counsel appearing for the petitioner submits that the respondents have not passed any orders for withholding the leave encashment, revised pay scales 2013, settlement amounts,

and in the absence of any specific orders, the respondent-Corporation cannot withhold the same.

Learned Standing Counsel appearing for the respondents contends that all the retirement benefits have been paid to the petitioner, and therefore, the question of paying further amounts does not arise and that he is not entitled to any other benefits.

Having considered the rival submissions made by the learned counsel on either side, without expressing any opinion on the merits of the case, this Court is of the considered view that ends of justice would be met if the writ petition is disposed of directing the respondents to consider the representation of the petitioner dated 3.10.2015.

Accordingly, the Writ Petition is disposed of directing the respondents to consider the representation of the petitioner dated 3.10.2015 and pass appropriate orders thereon, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

2nd May, 2018
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