

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.8090 OF 2015

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondents in not paying the terminal benefits to the petitioner i.e., PF, EL, Gratuity etc., as illegal and arbitrary, and consequently, to direct the respondents to pay terminal benefits to the petitioner forthwith with 18% interest for delay in payment.

2. Heard Sri P. Govinda Rajulu, learned Counsel for the petitioner and Sri P. Durga Prasad, learned Standing Counsel for APSRTC.

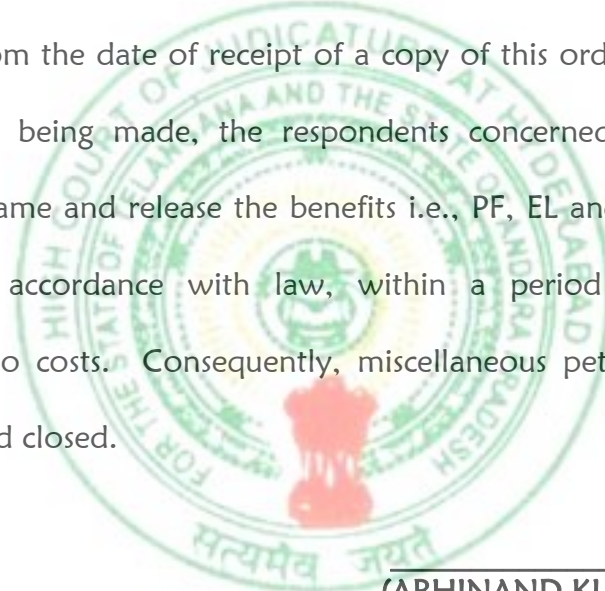
3. It has been submitted by the petitioner that he was appointed as driver, and while he was working as such, the 3rd respondent has terminated his services vide proceedings dated 19.3.2012 on the allegation that on 24.10.2011 he drove the vehicle in a rash and negligent manner and caused an accident. Further, it has been submitted that challenging the said termination order, the petitioner preferred an appeal before the 2nd respondent, and during the pendency of the appeal, the petitioner attained superannuation on 30.6.2012, and thereafter, vide order dated 16.10.2012, the 2nd respondent confirmed the termination order dated 19.3.2012, and challenging the same, the petitioner filed W.P.No.30748 of 2013 before this Court and the same is still pending, and while so, the petitioner made a representation to respondent No.3 seeking to repay his terminal benefits, but the 3rd respondent has not acted upon the said representation and therefore, the present writ petition is filed.

4. The learned Standing Counsel for the respondents contended that in fact, no such representation has been made to the Corporation and if any

representation is submitted to the respondent-Corporation, the authorities will consider the case of the petitioner and release PF, EL and Gratuity to the petitioner, in accordance with law.

5. Having considered the rival submissions made by the parties, without expressing any opinion on merits, this Court feels that ends of justice would be met if this writ petition is disposed of directing the petitioner to submit a representation to the respondents concerned.

6. Accordingly, the Writ Petition is disposed of directing the petitioner to submit a representation to the respondents concerned within a period of two weeks from the date of receipt of a copy of this order and upon such representation being made, the respondents concerned are directed to consider the same and release the benefits i.e., PF, EL and Gratuity, to the petitioner in accordance with law, within a period of eight weeks thereafter. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.



(ABHINAND KUMAR SHAVILI, J)

Dated: 26th April, 2018
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26.4.2018

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