

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.9627 OF 2018

ORDER

The case of the petitioner is that he retired from the service of the respondent – Company on attaining the age of superannuation on 1.11.2017. He was paid all his terminal benefits, except gratuity. Aggrieved by the action of the respondents in not paying the gratuity amount, present writ petition is filed.

Heard the learned counsel for the petitioner.

Sri J.Srinivasa Rao, learned Standing Counsel for the respondent – company on instructions, would submit that a chit fund company filed suit for recovery of amount and the same was decreed and execution proceedings were filed and in that process, petitioner was not paid the gratuity amount.

It is to be seen that unless there is an attachment order of a competent civil court prohibiting payment of terminal benefits, respondent – company cannot withhold payment of such benefits to the petitioner.

In view of above facts and circumstances, it is open for the petitioner to make representation to the 2nd respondent for payment of his gratuity amount and on receipt of such representation, the said authority, shall consider the claim of the petitioner by taking into account the above observation of this court and take appropriate action in accordance with law.

With the above direction, writ petition is disposed of.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

A.RAJASHEKER REDDY,J

DATE:03—04—2018

AVS