

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

Writ Petition No.33373 of 2012

ORDER

This Writ Petition is filed seeking a Writ of Mandamus declaring the action of the respondents in withholding Rs.3,08,240.80 ps from the gratuity and paying only Rs.41,759.20 ps as arbitrary, illegal and violative of the principles of natural justice.

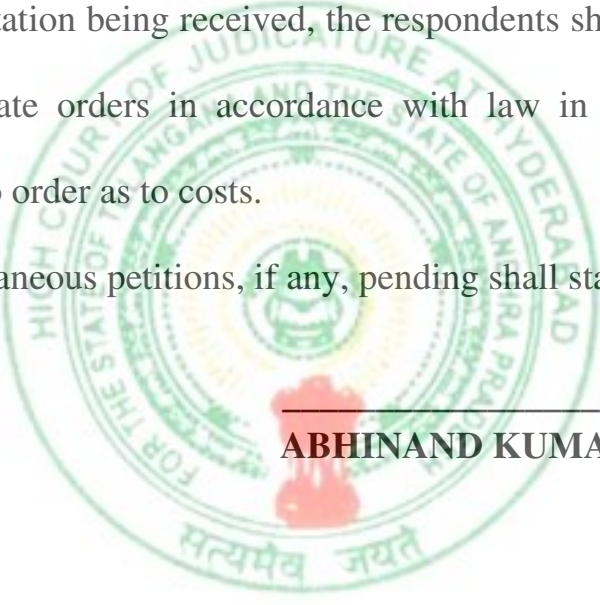
2. Heard Sri A.K. Jayaprakash Rao, learned counsel for the petitioner, and Sri K.Prabhakar Rao, Standing Counsel for the respondent Corporation.

3. Learned counsel for the petitioner submits that the petitioner was initially appointed with the respondent Corporation as Plantation Assistant during July 1977 and the petitioner after rendering considerable length of service has been promoted as Estate Manager and while he was working as Plantation Manager he has retired from service on attaining the age of superannuation on 31.10.2008. The grievance of the petitioner is that the respondents without there being any order have withheld the gratuity of petitioner and paid only Rs.41,759.29 ps. Learned counsel further submits that the respondents cannot withheld the gratuity without initiating any action against the petitioner and contended that appropriate orders be given to the respondents to release the gratuity along with interest.

4. Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that this Writ Petition can be disposed of directing the petitioner to submit a detailed representation to the respondents and upon receipt of the same, the respondents shall consider.

5. Accordingly, this Writ Petition is disposed of directing the petitioner to submit a detailed representation to the respondents within one (1) week from the date of receipt of a copy of this order and upon such representation being received, the respondents shall consider and pass appropriate orders in accordance with law in four (4) weeks thereafter. No order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.



ABHINAND KUMAR SHAVILI, J

20.11.2018
MVA