

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.37168 OF 2015

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondents in withholding the terminal benefits such as Provident Fund, E.D.L.I.F. (Employee Deposit Linked Insurance Fund), Gratuity, S.R.B.S. (Staff Retirement Benefit Scheme), S.B.T. (Staff Benevolent Trust Fund) etc., as illegal and arbitrary, and consequently to direct the 3rd respondent to release the terminal benefits such as P.F., E.D.L.I.F., Gratuity, S.R.B.S., and S.B.T due and payable to her husband with interest at the rate of 24% p.a., from the date of entitlement, to the petitioner.

2. Heard Sri Pavan Kumar Aditya Malladi, learned Counsel for the petitioner and Sri A. Rama Rao, learned Standing Counsel for the respondent-corporation.

3. It has been submitted by the petitioner that her husband joined as conductor in the 1st respondent-corporation in the year 1985 and subsequently, his services were regularized as a conductor in the year 1986 and while he was working so, he met with an accident on 21.5.2013 at Mydukur, Kadapa District, and expired on 22.5.2013 leaving behind the petitioner and two children. It has been further submitted by the petitioner that after demise of her husband, some of his debtors filed O.S.Nos.177/2013, 176/2013, 111/2013 and 106/2013 against the petitioner, and they also filed interlocutory application in O.S.No.111/2013 seeking attachment of the benefits of her husband, and the said application was allowed, and since the Civil Court passed attachment orders, the

respondents are not releasing the terminal benefits of the petitioner. Further, it has been submitted by the petitioner that the amounts viz., P.F., E.D.L.I.F., S.R.B.S., Gratuity, and S.B.T are not attachable items under Section 60 CPC and therefore, she got issued a legal notice to the respondents on 4.9.2015, but the respondents have neither passed any orders nor released the terminal benefits to the petitioner and in those circumstances, the present writ petition is filed.

4. Learned Standing Counsel for the respondent-corporation has drawn the attention of this Court to the counter-affidavit and stated that P.F., E.D.L.I.F., Gratuity, S.R.B.S., and S.B.T amounts are exempted from attachment under Section 60 CPC and the said fact was explained to the Courts below, and that it is the responsibility of the petitioner to satisfy the Courts below and get released from attachment.

5. In view of the stand taken by the respondents in the counter-affidavit that the amounts now claimed by the petitioner are exempted from attachment under section 60 of C.P.C., and in view of the fact that they are exempted under Section 60 of C.P.C., they are bound to release the terminal benefits viz., P.F., E.D.L.I.F., Gratuity, S.R.B.S., and S.B.T, which are with the respondents. Ends of justice would be met if a direction is given to the petitioner to make a representation to the respondents to release the said benefits.

6. Accordingly, the petitioner is directed to make a representation to the respondents to release the terminal benefits viz., P.F., E.D.L.I.F., Gratuity, S.R.B.S., and S.B.T. On such representation being made, the respondents are directed to consider the same and release the amounts to the petitioner, within a period of eight weeks from the date of receipt of a

copy of this order, if the said amounts are not under attachment as stated in the counter. It is needless to observe that in case the amounts in question are under attachment, the petitioner is at liberty to move the respective Civil Courts for raising such attachment by urging all the grounds raised in this writ petition.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated:24th April, 2018.
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