

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.4401 OF 2004

ORDER

This writ petition is filed seeking the following relief:

“...to issue writ of Mandamus declaring the impugned action of the 3rd respondent in not paying gratuity amount payable to the petitioner in spite of his retirement as highly illegal, arbitrary and violative of Art.14 of the Constitution of India and further action of the respondents 1 and 2 in not taking any action against the 3rd respondent for not complying with the service regulations framed by the Registrar as the 3rd respondent failed to paying the gratuity amount payable to the petitioner along with interest from the date of his retirement and pass such other order or orders in the interest of justice.”

Heard Sri G.V.Shivaji, learned counsel appearing for the petitioner, learned Government Pleader for Co-operation appearing for respondents 1 and 2 and Sri D.Radha Krishna, learned Standing Counsel appearing for the 3rd respondent.

Learned counsel appearing for the petitioner submits that though the petitioner had retired from service on attaining the age of superannuation on 30-04-2003, the respondents have not paid the gratuity and other retiral benefits to him and that appropriate orders be passed directing the respondents to release gratuity and other benefits to which he is entitled to.

Learned Standing Counsel appearing for the 3rd respondent contends that the petitioner has not approached the 3rd respondent seeking payment of retiral benefits.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that ends of justice would be met if the writ petition is disposed of directing the petitioner to submit a representation afresh to the respondents.

Accordingly, the Writ Petition is disposed of directing the petitioner to submit a representation afresh to the respondents seeking gratuity and other retiral benefits within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents shall consider the same and pass appropriate orders within a period of four weeks thereafter. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

27th November, 2018
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