

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 4578 of 2004

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the action of the respondents in withholding the amounts due to the petitioner consequent to retirement on medical grounds with effect from 14.10.2003, as illegal and arbitrary. A consequential direction is also sought to the respondents to release the retiral benefits including the provident fund amount, gratuity, S.B.T., leave encashment, salary etc. due to the petitioner as on the date of retirement.

While admitting the writ petition, this Court directed the respondents to release the retiral benefits of the petitioner, such as, gratuity, provident fund etc. while keeping with them an amount of Rs.70,000/-, which is the disputed amount, vide orders dated 22.03.2004 in WPMP No.5981 of 2004.

When the matter is taken up for hearing, learned counsel for the petitioner submits that in pursuance of the interim orders passed by this Court, the respondents had disbursed the retiral benefits of the petitioner and withheld Rs.70,000/- with them. He further submits that the petitioner may be directed to submit a representation to the respondents seeking to release the withheld amount.

Learned standing counsel for the respondents contends that pursuant to the orders dated 25.03.1997 passed by the civil Court in

O.S.No.34 of 1995 filed by one Smt. G. Shiromani against the petitioner, the respondents have withheld the amount of Rs.70,000/-.

This Court having considered the submissions made by the parties is of the considered view that the writ petition can be disposed of directing the petitioner to submit a representation to the respondents seeking to release the amount of Rs.70,000/- which was withheld from the retiral benefits of the petitioner, within two weeks from the date of receipt of a copy of this order, and upon receiving such representation, the respondents shall consider and pass appropriate orders thereon, in four weeks thereafter, by duly taking into account the orders passed in O.S.No.34 of 1995 dated 25.03.1997 against which C.M.A.Nos.1026 of 1997 and 1544 of 1998 were filed and they were disposed of by way of a common judgment dated 04.01.2002.

With the above direction, the writ petition is disposed of. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

21st December, 2018
cbs

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Writ Petition No.4578 of 2004
(disposed of)

21st December, 2018

cbs