

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.8165 OF 2002

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondents in withholding the amounts, which are payable on retirement of the petitioner on medical grounds, as illegal and arbitrary, and consequently, to direct the respondents to pay the same immediately with interest at 24% p.a.
2. Heard Sri M.A. Ashfaq Mohiuddin, learned Counsel for the petitioner and Sri B. Mayur Reddy, learned Standing Counsel for the respondent-Corporation.
3. It has been contended by the learned Counsel for the petitioner that the petitioner took voluntary retirement on medical grounds, while he was discharging his duties as driver vide proceedings 11.3.1996, and thereafter, the respondents stopped payment of medical invalidation benefit on the ground that the petitioner has to pay certain amounts to Nagarjuna Investment Trust Limited, Hyderabad, and actually, no amount is due to be paid by the petitioner, and hence, he filed a suit in O.S.No.31 of 1993 on the file of Sub-Court, Wanarthy, against the said company and the respondent-Corporation, and obtained decree, but the respondents without any reason stopped the payment of medical invalidation benefits. Challenging the same, the present writ petition is filed.

4. The learned Standing Counsel for the respondent-Corporation contended that the petitioner and 15 others took loan from Nagarjuna Investments Trust Limited, Panjagutta, Hyderabad and the loan amount due from the petitioner to the said Trust was recovered to some extent in installments from the salary of the petitioner from March, 1993 onwards, and thereafter, recovery was stopped in pursuance of the decree dated 18.8.1997 in O.S.No.31 of 1993 on the file of the Sub-Court, Wanaparthi, and thus, the respondent-Corporation has complied with the orders passed by the civil court in O.S.No.31 of 1993. He further contended that there is no specific direction in the decree for payment of the withheld amount, and no illegality was committed by the respondent-Corporation in withholding the amounts.

5. This Court has considered the rival submissions and perused the material available on record. The decree in O.S.No.31 of 1993, dated 18.8.1997 on the file of the Sub-Court, Wanaparthi would disclose that the respondent-Corporation is restrained from deducting the loan amount from the salary of the petitioner. There was no specific direction to release the amounts said to have been withheld by the respondent-Corporation. Further, from the counter, it is apparent that the petitioner filed I.A.No.11 of 2000 in O.S.No.31 of 1993 under Section 144 CPC for restitution of the

amount to a tune of Rs.2,85,852/- from the defendants therein and the same is pending.

6. In the above circumstances, this Court is of the view that the respondent-Corporation has not committed any irregularity in withholding the amounts payable to the petitioner. The issue as to whether the petitioner is entitled for the amount withheld by the respondent-Corporation can be decided by the Civil Court in the I.A. filed by the petitioner in O.S.No.31 of 1993. This Court can only direct the respondent-Corporation to pay the amounts payable to the petitioner after adjudication of the matter by the civil Court in I.A.No.11 of 2000 in O.S.No.31 of 1993, if the petitioner is entitled to any amounts.

7. Accordingly, the Writ Petition is disposed of directing the respondent-Corporation to pay the amounts payable to the petitioner after adjudication of the matter by the civil Court in I.A.No.11 of 2000 in O.S.No.31 of 1993 on the file of the Sub-Court, Wanarpathy, if the petitioner is entitled to any amounts. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI, J)

16th August, 2018
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THE HON'BLE Mr. ABHINAND KUMAR SHAVILI



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