

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 5166 of 2010

Date : 27.2.2018

Between:

P.V.Ramabrahmam s/o Prakasha Rao
66 years, R/o F-3 Srija Apartment, Sreeivasa nagar,
Bank colony, Vijayawada

Petitioner

And

The District Cooperative Central Bank Ltd,
Krishna District at Machilipatnam
Rep its General Manager & another

Respondents

The Court made the following:



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ORAL ORDER:

This writ petition is filed praying to direct respondents to pay interest on the delayed payment of gratuity at the rate of 12 % for the period from 23.6.2005 to 21.10.2009.

2. Material on record would disclose that surcharge proceedings were initiated against petitioner on the allegation of misappropriation of funds of the society. Against surcharge proceedings, petitioner filed O.A.No.70 of 2004 on the file of the AP Cooperative Tribunal, Vijayawada. The Tribunal granted the relief to petitioner. Aggrieved thereby, respondent society preferred W P No. 2757 of 2008. Petitioner herein filed WP No. 7959 of 2008 alleging that gratuity amount payable to him was not paid. He sought for a direction to respondents to pay Rs.2,81,375/- with interest at the rate of 12 % per annum with effect from 31.8.2002. Both those writ petitions were disposed of by common order dated 21.8.2009. The learned single Judge of this Court dismissed WP No. 2757 of 2008 and allowed WP No.7959 of 2008.

3. In terms of the relief granted in WP No. 7959 of 2008 petitioner is entitled to interest at the rate of 12 % from 31.8.2002. While that being so, present writ petition is filed alleging that even though principal amount of gratuity was paid there was delay in payment of gratuity, petitioner is entitled to receive interest for the delayed payment and same is not paid. As noted above, in the earlier writ petition, petitioner sought for payment of gratuity as well as interest for delayed payment of gratuity. That relief sought by petitioner was already granted by this Court. Both counsel state that no appeals were preferred against orders of the learned single Judge and accordingly they have become final. Since relief sought by petitioner was already granted in

the above writ petition, petitioner ought to have taken steps for its enforcement. Petitioner cannot institute fresh writ petition praying to grant very same relief, which was already granted. No successive writ petitions can be instituted praying to grant same relief. In view of the same, the writ petition is dismissed leaving it open to petitioner to workout his remedies. No costs. Having regard to the same, miscellaneous petitions, if any pending are closed.

DATE:27.2.2018
TVK

P NAVEEN RAO,J



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