

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 24914 of 2002

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the action of the respondent bank in not releasing the balance amount of leave encashment to the petitioner, as illegal and arbitrary.

Heard Sri P.V.S.S.S.Rama Rao, learned counsel for the petitioner, and Ms. Bobba Vijayalakshmi, learned counsel for the respondent bank.

It has been contended by the petitioner that he worked in the respondent bank for a period of 33 years and retired from service on 30.06.2002. After retirement, the bank paid the gratuity amount and paid only part of leave encashment amount. Hence, he submitted a representation to the bank on 25.11.2002 seeking release of balance leave encashment amount of Rs.35,497-50 ps., but, the same is still pending consideration.

Learned counsel for the respondent bank has contended that as the petitioner had indulged in misappropriation of funds of the bank, the balance amount of leave encashment was withheld and that there are no merits in the writ petition and the same is liable to be dismissed.

I have considered the submissions made by the learned counsel on either side and perused the record. I am of the view that if the petitioner has indulged in any irregularity, it is always open for the respondent bank to initiate disciplinary proceedings against him and after conducting a regular enquiry, it can impose a punishment as stipulated in the regulations of the bank. Admittedly, so far the bank has not passed any orders with regard to withholding of leave encashment amount. More over, the bank has not passed any orders on the representation submitted by the petitioner. Therefore, this Court is of the view that ends of justice would be met, if a direction is given to the respondent bank to dispose of the representation of the petitioner.

Accordingly, the writ petition is disposed of directing the respondent bank to dispose of the representation of the petitioner dated 25.11.2002, in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order, and if it is found that the petitioner is entitled for release of balance leave encashment amount, the respondent bank shall release the same, within a period of two (2) months thereafter.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

23rd October, 2018
cbs

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Writ Petition No. 24914 of 2002
(disposed of)

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