

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION No.8117 OF 2003**

**ORDER:**

This writ petition is filed seeking a Writ of Mandamus to declare the proceedings of respondent in OMRSVT/ACTS/PEN/2002/PHK dated 17.09.2002 as illegal and arbitrary and consequential direction to pay interest for the delayed payment of terminal benefits.

2. Heard learned counsel for the petitioner and learned Standing Counsel appearing for the respondent.

3. The learned counsel for the petitioner would contend that initially, the petitioner and others were forced to retire at the age of 58 years; that the same was challenged by them by filing Writ Petition No.10983 of 1994; that the said writ petition was allowed on 16.10.1996; that aggrieved by the same, the respondent preferred an appeal in W.A. No.417 of 1997; and that a Division Bench of this Court, by order, dated 24.04.2001, dismissed the said writ appeal. He would also contend that after dismissal of the said writ appeal only, the respondent had settled the terminal benefits; and that the petitioner had attained the age of superannuation i.e., 60 years in 1996; that there was a delay of five years in settling the terminal benefits of petitioner; and that appropriate orders be passed directing the respondent to pay interest for the delay period in payment of terminal benefits.

4. Having considered the said submission, this Court is of the considered view that only when the writ appeal filed by the respondent was dismissed in the year 2001, the respondent settled the terminal benefits of the petitioner. Hence, there is no delay in payment of terminal benefits to the petitioner. In view of the same, the present Writ Petition is devoid of merit and same is liable to be dismissed.

5. Accordingly, the Writ Petition is dismissed. However, in the circumstances of the case, there shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the present writ petition stand closed.

**December 15, 2018**  
Mgr

**ABHINAND KUMAR SHAVILI, J**

