

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 7695 of 2003

O R D E R:

This writ petition is filed seeking to issue a writ of *Mandamus* declaring the action of respondents in withholding the retrial benefits, as illegal and arbitrary.

It is stated that petitioner retired from service on attaining the age of superannuation and accordingly, respondent authorities had issued office order dated 31.07.2001. The respondent-Corporation stopped payment of retirement benefits on the ground that petitioner owed certain amounts to M/s.Nagarjuna Investment Trust Limited, Hyderabad. The fact is that petitioner along with other employees had filed OS No.31 of 1993 before the Court of Subordinate Judge, Wanaparthi against the said company and the said suit was decreed on 18.8.1997 in favour of the petitioner and the same was brought to the notice of respondent authorities and requested to release the entire retirement benefits. Petitioner submitted a representation dated 24.07.2002 to respondent authorities requesting to sanction the retirement benefits to him. The

respondent-Corporation vide order dated 12.08.2002 informed the petitioner that there are outstanding dues against him in Accounts Wing of Wanaparthi. Hence, this writ petition.

Heard learned counsel for petitioner and learned Standing Counsel appearing for respondent-Corporation.

Learned counsel for petitioner would submit that though the fact that the suit in OS No.31 of 1993 was decreed in favour of the petitioner was brought to the notice of respondent-authorities, the authorities withheld the retiral benefits of the petitioner.

Learned Standing Counsel for respondent-Corporation would submit that initially some amounts were recovered from the retiral benefits of the petitioner and when respondent authorities came to know that decree was passed in OS No.31 of 1993, they stopped recovery of the amounts.

In view of the above submissions, this Court is of the considered view that the writ petition can be disposed of directing petitioner to submit a fresh representation to respondent authorities duly enclosing the copy of the decree passed in OS.No.31 of 1993, within a period of two weeks from

the date of receipt of a copy of this order and upon receipt of the same, respondent authorities shall consider the same and pass appropriate orders in accordance with law by considering the refund amounts, which were already deducted from the retiral benefits and pass appropriate orders within a period of four weeks thereafter.

With the above observations, the writ petition is disposed of. No costs.

Miscellaneous Petitions, if any pending shall stand closed.

17.12.2018
MjI/ *



ABHINAND KUMAR SHAVILI, J