

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 7694 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 of the petitioner as illegal and arbitrary.

It is stated that respondent authorities had issued retirement order dated 29.08.2001 directing the petitioner to retire from service on medical grounds. The respondents stopped payment of retirement benefits on the ground that petitioner owed certain amounts to M/s.Nagarjuna Investment Trust Limited, Hyderabad. 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 said fact was brought to the notice of respondent authorities and requested to release the entire retirement benefits. He made a representation dated 06.11.2002 to respondent authorities to release the retiral benefits to him and in response thereto, respondent authorities issued a letter informing that there are

some outstanding amounts payable by him. 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 OSNo.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 of the 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
Mj// *

ABHINAND KUMAR SHAVILI, J

