

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITON No. 578 of 2011

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondents in not paying the terminal benefits of the petitioner such as P.F., Gratuity, E.L., SRBS amount as illegal and arbitrary, and consequently, to direct the respondents to pay the terminal benefits of the petitioner forthwith with 18% interest from the date of removal till the date of payment.

2. Heard Sri P. Govinda Rajulu, learned Counsel for the petitioner and Sri N. Vasudeva Reddy, learned Standing Counsel for the respondent-Corporation.

3. It is the case of the petitioner that he was appointed as conductor in the respondent-Corporation in the year 1975 and thereafter, he was promoted as Assistant Depot Clerk and he was removed from service on 29.11.2000 on the allegation of some cash and ticket irregularities. Challenging the same, petitioner preferred I.D No.53 of 2002 before the Labour Court and the Labour Court dismissed the I.D. by order, dated 13.10.2005, against which, he filed W.P.No.19599 of 2006 and the same is pending.

4. Further, it is the case of the petitioner that he submitted an application dated 30.6.2010 to the 2nd respondent requesting to release terminal benefits in accordance with the Regulations of the Corporation. But the 2nd respondent has not even considered the claim of the petitioner in spite of legal notice dated 20.12.2010. Challenging the same the present writ petition is filed.

5. Learned Counsel for petitioner submits that the issue in question was squarely covered by the order dated 19.09.2018 passed by this Court in WP No.24687 of 2014 and therefore, the case of the petitioner may also be considered in similar lines, and that insofar as payment of gratuity is concerned, the petitioner is entitled for the same as per Payment of Gratuity Act.

6. On the other hand, learned Standing Counsel for respondents contends that since the petitioner was removed from service for the proved misconduct, he is not entitled to any benefits.

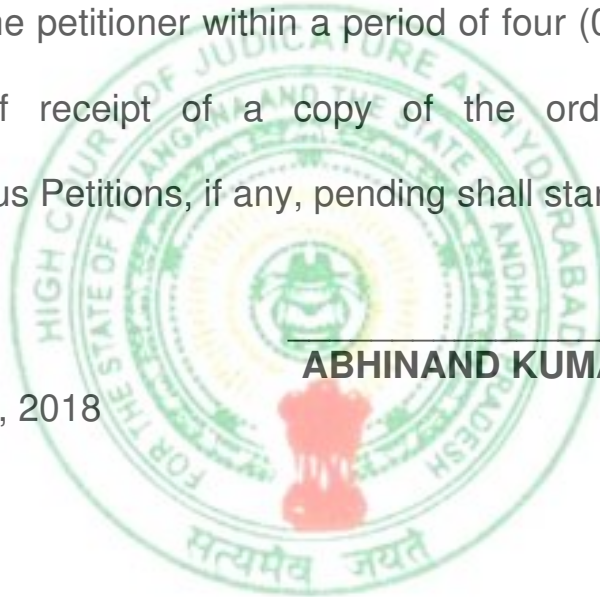
7. I have perused the material available on record and the order passed by this Court in WP No.24687 of 2014. Insofar as payment of earned leave amount to the petitioner is concerned, evidently, the case of the petitioner is squarely covered by the order dated 19.09.2018 passed by this Court in

WP No.24687 of 2014 and that the petitioner is entitled for earned leave amount. As per Section 4(a) of the Payment of Gratuity Act, the respondents are bound to pay gratuity to the petitioner. Therefore, the action of the respondents in not releasing the terminal benefits of the petitioner is illegal and arbitrary.

8. Accordingly, the Writ Petition is allowed. The respondents are directed to pay gratuity and earned leave amount to the petitioner within a period of four (04) weeks from the date of receipt of a copy of the order. No costs. Miscellaneous Petitions, if any, pending shall stand closed.

04th October, 2018
Nn

ABHINAND KUMAR SHAVILI, J



HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 578 of 2011
(Allowed)



Nn.