

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.3737 of 2002

ORDER:

This writ petition is filed seeking to issue a writ of *Mandamus* declaring the action of the 4th respondent in retaining part of the terminal benefits payable to the petitioner-Society under Voluntary Retirement Scheme as arbitrary and illegal and consequently to direct the respondents to pay the retained terminal benefits to the petitioner-Society forthwith.

Heard Sri D.Krishna Murthy, learned counsel for the petitioner-Society and the learned Government Pleader for Industries and Commerce.

It is contended by the petitioner-Society that its members were employed in the 4th respondent-Spinning Mill and while they were working as such, the 4th respondent has come up with Voluntary Retirement Scheme. Its members submitted applications seeking Voluntary Retirement under the said Scheme and they were allowed to retire and only some benefits were paid to them. It is the case of the petitioner-society that some other benefits payable to its members under Voluntary Retirement Scheme were not paid. In those set of circumstances, the present writ petition is filed.

Learned Government Pleader appearing for the respondents would contend that all the benefits payable under the Voluntary

Retirement Scheme were paid to the members of the petitioner-society.

This Court having considered the submissions made by the parties is of the considered view that if the petitioner-Society feels that some more benefits are to be paid to its members, the petitioner-society is at liberty to submit a representation to the respondents within two weeks from the date of receipt of a copy of this order and the respondents shall consider the said representation and pass appropriate orders within a period of eight weeks thereafter and communicate the same to the petitioner-society. It is made clear that this Court has not given any opinion as to whether the members of the petitioner-society are entitled for such benefits or not.

With these observations, the Writ Petition is disposed of. No order as to costs.

Miscellaneous petitions if any pending, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 27/07/2018

lkv