

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.4123 OF 2002

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 i.e., Gratuity and FBIS to the petitioner, as arbitrary and illegal, and consequently, to direct the respondents to pay the above said benefits.

2. When this matter is taken up for hearing today, none appeared for the petitioner. Since it is an old matter, this Court has taken up this case for disposal.

3. In the affidavit filed in support of the writ petition, it has been submitted by the petitioner that while he was working as Hauler Operator in the respondent-company, he was medically declared as unfit on 18.2.1992 consequent upon which, his services were terminated with effect from 19.2.1992 and he received only the Provident Fund amount. But he has not received terminal benefits like Gratuity and FBIS. According to the petitioner, he has submitted representations to the respondents for release of the aforesaid benefits to him, on 13.5.1998 and 4.4.2001 and he has also got issued a notice dated 24.1.2002 to the respondents. But the respondents have not considered the same. In those circumstances, the present writ petition is filed.

4. It has been submitted by the respondents at paragraph No.4 of their counter that the terminal benefits of the petitioner have already been paid on 28.8.2003 and 30.10.2003 and therefore, the cause in this writ petition does not survive.

5. Having considered the above circumstances of the case, this Court is of the view that this writ petition can be disposed of with the following direction:

“If any amounts are due to be paid to the petitioner, he is at liberty to make a representation to the respondents within a period of two weeks from the date of receipt of a copy of this order. On such representation being made, the respondents shall consider the same and pass appropriate orders, within a period of four weeks thereafter.”

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI, J)

Dated: 20th August, 2018

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HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



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Dated: 20.8.2018

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