

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.45502 OF 2018

ORDER

This writ petition is filed seeking the following relief:

“...to issue an order or direction more particularly one in the Writ of Mandamus, directing the respondent No.3 to sign the pension paper and acknowledge the same and further direct the respondent No.4 to release the gratuity benefits and pension to the petitioner from December, 2014 and to pass such other order or orders as this Hon'ble Court may deem fit and proper.”

Heard Sri N.Joy, learned counsel appearing for the petitioner and learned Government Pleader appearing for Services-I appearing for the respondents.

It is the case of the petitioner that his wife was employed as Telugu Pandit/Teacher in the 3rd respondent-School and while in service, she expired on 2.10.2014, leaving behind him and his children. He submitted a representation on 27.11.2017 to the respondents for release of pensionary benefits of his deceased wife, but, so far, no orders have been passed thereon.

Learned counsel appearing for the petitioner submits that the 3rd respondent is not signing on the pension papers and the 4th respondent is not releasing the gratuity and other benefits on the ground that the deceased employee during her life time stood as guarantor to the principal borrower and the

Civil Court in E.P.No.75 of 2014 passed order in August, 2014 directing attachment of her salary; that there cannot be any attachment orders against a deceased person; that during the life time of the deceased employee, the respondents have not attached the properties of the deceased employee and hence, the question of attaching the properties of the deceased employee after her death does not arise; and that appropriate orders be passed directing the respondents to release gratuity and other benefits of the deceased wife to the petitioner.

Learned Government Pleader appearing for the respondents contends that case of the petitioner will be considered and appropriate orders would be passed on the pension papers.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that ends of justice would be met if a direction is given to the petitioner to submit a representation afresh to the respondents.

Accordingly, the Writ Petition is disposed of directing the petitioner to submit a representation afresh to the respondents within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation, the respondents shall consider the same and

pass appropriate orders for release of pensionary and other service benefits of the deceased employee within a period of four weeks thereafter. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

15th December, 2018
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