

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.297 of 2019

ORDER:

This writ petition is filed seeking a direction to the official respondents not to pay the retiral benefits to the 3rd respondent.

Petitioners are the wife and children of 3rd respondent. The 3rd respondent is an employee of the official respondents and the 3rd respondent has attained the age of superannuation. The petitioners have filed the present writ petition seeking a direction to direct the official respondents not to release the terminal benefits of 3rd respondent, who is an employee of the official respondents, on the ground that the 3rd respondent has given an assurance before the Sub-Inspector of Police that he will not claim any terminal benefits from the official respondents and the entire terminal benefits of 3rd respondent be paid to the petitioners.

This Court, having considered the said prayer of the petitioners, is of the view that such a relief can never be granted to the petitioners. The 3rd respondent, being an employee of the official respondents, the official respondents are bound to pay terminal benefits to him in accordance with law. There cannot be a direction not to pay terminal benefits to a retired employee but to pay to the petitioners who are claiming to be his wife and children.

The relief sought by the petitioners is not legally tenable and the petitioners cannot seek an injunction restraining the official respondents from disbursing the terminal benefits in favour of the 3rd respondent.

For the aforesaid reasons, there are no merits in the writ petition and the same is accordingly dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

4th January, 2019

ajr