

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.18158 of 2019

ORDER

This Writ Petition is filed seeking the following relief:

“to issue a writ, order or direction one more particularly in the nature of Writ of Mandamus directing the 2nd respondent herein to consider the representation dated 26/07/2019 submitted by the petitioner with the 2nd respondent and consequently direct the 2nd respondent to release the service/pensionary benefits of the petitioner to him and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri Pawan Kumar Agarwal, learned counsel appearing for the petitioner, and learned Government Pleader for Social Welfare appearing for respondents 1 and 2.

The petitioner worked as a Watchman in Government SC Boys Hostel, Metpalli, Jagityal and he retired from service on attaining the age of superannuation on 28.02.2019. His grievance is that though he retired from service on 28.02.2019, the respondents are not paying the pensionary benefits on the ground that his wife has filed DVC against him. Thereafter, the said case was settled. Again the wife of the petitioner filed Pre-Litigation Case No.79 of 2019 claiming half share of his terminal benefits and also share in the family pension and the same was also closed by the Lok Adalat on 9.7.2019. Hence,

the petitioner submitted a representation to the respondents on 26.07.2019 for release of his pensionary benefits. But, so far, no orders have been passed thereon.

Learned counsel appearing for the petitioner submits that the respondents be directed to consider the representation dated 26-07-2019 submitted by the petitioner and pass appropriate orders.

Learned Government Pleader appearing for the respondents submits that the case of the petitioner would be considered, only if he submits a representation afresh to the 2nd respondent.

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition can be disposed of directing the petitioner to submit a representation afresh to the 2nd respondent seeking pensionary benefits within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the 2nd respondent shall consider the same and pass appropriate orders within a period of eight weeks thereafter.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

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JUSTICE ABHINAND KUMAR SHAVILI

22nd August, 2019
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