

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.13696 of 2014

ORDER:

This writ petition is disposed of at the stage of admission with the consent of both the parties.

This writ petition is filed seeking the following relief :-

“.....to issue a Writ Order or Direction more particularly one in the nature of Writ of Mandamus (i) to declare the non-payment of subsistence allowance and salary for the period of suspension from 8.11.1995 till the date of retirement i.e., 31.8.2011 by the first respondent and the consequential non-payment of retirement benefits such as gratuity, leave encashment, etc., by the respondent No.3 and withholding of the amounts payable to the petitioner to the tune of Rs.2,50,000/ by the second respondent Bank even inspite of the petitioner retiring from service with effect from 31.8.2011 as illegal, arbitrary, unjust apart from violative of principles of natural justice; (ii) to consequently direct the respondent Nos.1 and 2 to pay the arrears of salary payable to the petitioner from the date of suspension i.e., 8.11.1995 till the date of retirement i.e., 31.8.2011 and to consequently release the retirement benefits which are withheld by the second respondent to the tune of Rs.2,50,000/ along with interest at 18%p.a. from the date of outstanding due payable to me.....”.

Heard Mr.Nandigam Krishna Rao, the learned counsel for the petitioner, the learned Government Pleader for Co-operation and the learned Standing Counsel for the 2nd respondent.

It has been contended by the petitioner that he is a retired employee and he is entitled for some dues from the 1st respondent. But, the 1st respondent is not paying the dues to which the petitioner is entitled to.

Learned counsel for the petitioner submits that the District Co-operative Officer is the competent authority to adjudicate the dispute between the petitioner and the 1st respondent. Therefore, appropriate orders be passed in the writ petition directing the District Co-operative Officer to examine the case of the petitioner and pass appropriate orders with regard to dues to which the petitioner is entitled to.

Learned Government Pleader as well as the learned Standing Counsel appearing for the respondents have contended that if the petitioner submits fresh representation, the District Co-operative Officer would examine the case of the petitioner and pass appropriate orders in accordance with law.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a fresh representation to District Co-operative Officer within four weeks from the date of receipt of a copy of this order seeking payment of dues to which the petitioner is entitled to. Upon such representation being received, the District Co-operative Officer shall examine the same and pass appropriate orders in accordance with law within a period of eight weeks thereafter.

With the above observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 02-12-2019
Prv

