

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.8560 of 2011

ORDER

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 to declare the inaction of the respondents in not paying the differential salary amount, leave encashment and other retirement benefits, such as gratuity, though the petitioner had retired from service on 30.6.2009 as illegal, arbitrary, unjust apart from violative of principles of natural justice and ii and to consequently direct the respondents 1 and 2 to pay to the petitioner retirement benefits such as gratuity, leave encashment, arrears of salary i.e., from 1.8.2008 to 5.4.2009 totalling to an amount of Rs.2,64,970/ along with interest from the date of his retirement i.e., 30.6.2009.”

Heard Sri Nandigam Krishna Rao, learned counsel appearing for the petitioner and Sri C.Hari Preeth, learned Standing Counsel appearing for the 2<sup>nd</sup> respondent.

It is the case of the petitioner that he worked with the 1<sup>st</sup> respondent-society and later on, he was transferred to the 2<sup>nd</sup> respondent-Bank. Thereafter, he had retired from service on attaining the age of superannuation on 30.06.2009. His grievance is that the 1<sup>st</sup> respondent is liable to pay an amount of Rs.95,100/- towards arrears of salary for the period from 1.8.2008 to 5.4.2009, gratuity amount of Rs.1,00,000/- and leave

encashment of Rs.69,870/-, totaling to Rs.2,64,970/-. When the petitioner has requested the respondents to pay the said amount, the 1<sup>st</sup> respondent has expressed his inability to pay the same as it has no sufficient funds. However, the 1<sup>st</sup> respondent had addressed a letter dated 17.09.2010 to the 2<sup>nd</sup> respondent to pay the said amount to the petitioner, so that it would later reimburse the amount to the 2<sup>nd</sup> respondent. In pursuance thereof, the grievance of the petitioner was resolved in respect of gratuity and leave encashment. However, the issue with regard to arrears of salary was not redressed.

Learned counsel appearing for the petitioner contended that appropriate orders be passed directing the 1<sup>st</sup> respondent to pay an amount of Rs.95,100/- towards arrears of salary pursuant to the proceedings dated 17.9.2010 of the 1<sup>st</sup> respondent within a reasonable time.

Learned Standing Counsel appearing for the 2<sup>nd</sup> respondent contended that in pursuance of the letter addressed by the 1<sup>st</sup> respondent, the 2<sup>nd</sup> respondent has paid gratuity, leave encashment and other retiral benefits to the petitioner. It is further contended that in respect of arrears of salary for the period from 1.8.2008 to 5.4.2009, the 1<sup>st</sup> respondent alone has to pay the said amount claimed by the petitioner.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the 1<sup>st</sup> respondent has addressed a letter dated 17.09.2010 to the 2<sup>nd</sup> respondent wherein the 1<sup>st</sup> respondent had admitted that an amount of Rs.95,100/- is liable to pay to the petitioner towards arrears of salary for the period from 1.8.2008 to 5.4.2009. Though notice was served, none appeared on behalf of the 1<sup>st</sup> respondent.

Hence, left with no option, this writ petition is disposed of directing the 1<sup>st</sup> respondent to pay an amount of Rs.95,100/- to the petitioner towards arrears of salary within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

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JUSTICE ABHINAND KUMAR SHAVILI

24<sup>th</sup> September, 2019  
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