

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.20897 OF 2019

ORDER:

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

This writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in not releasing the pensionary benefits immediately after retirement of the petitioner on 30.06.2018 and not re-conveying the mortgage deed in respect of the house property of the petitioner as highly illegal and arbitrary and sought a consequential direction to the respondents to sanction and release pension and pensionary benefits with interest at the rate of 24% per annum and re-convey the mortgage deed in respect of the property of the petitioner.

Heard learned counsel for the parties.

It has been contended by the petitioner that he has worked as Superintendent with the respondents and he had retired from service on attaining the age of superannuation on 30.06.2018.

Counsel for the petitioner submitted that after retirement of the petitioner, the respondents have issued a show cause on 30.12.2018 contending that the petitioner had indulged in certain irregularities while he was discharging his duties. The petitioner has submitted explanation to the said show cause notice on 15.04.2019 and thereafter the respondents have passed final orders on 16.08.2019

concluding that the petitioner is responsible for certain irregularities and the petitioner was directed to pay an amount of Rs.10,597/- for the alleged irregularities. Counsel for the petitioner further submitted that on the ground that the petitioner is liable for irregularities to an extent of Rs.10,597/-, the respondents are not releasing the terminal benefits nor re-conveying the mortgage deed in favour of the petitioner. Therefore, the counsel submitted that the petitioner is willing to deposit an amount of Rs.10,597/- in favour of the respondents or in the alternative, the respondents can adjust Rs.10,597/- from the retiral benefits of the petitioner and the balance amount of retiral benefits can be directed to be paid to the petitioner within a reasonable period of time.

Government Pleader had contended that let the petitioner submit a representation to the respondents seeking release of pensionary benefits by deducting an amount of Rs.10,597/- from the retiral benefits in pursuance of the final order passed by the respondents on 16.08.2019 and thereupon, the respondents would consider the same and pass appropriate orders within a reasonable period of time.

This Court, having considered the rival submissions made by learned counsel for respective parties, is of the considered view that this writ petition can be 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 to the effect that

he is willing to forego Rs.10,597/- in pursuance of the final order passed by the respondents on 16.08.2019 and further request the respondents to release the balance retiral benefits in accordance with law. Upon such a representation being received, the respondents shall consider the same and pass appropriate orders in accordance with law in another eight weeks thereafter.

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

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

22nd October, 2019
v v

