

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.22299 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 to declare the action of the respondents in not considering the representation of the petitioner for voluntary retirement of her husband on medical grounds and not settling his terminal benefits as illegal, arbitrary, discriminatory and violative of Articles 14, 16 and 21 of the Constitution of India and sought a consequential direction to the respondents to consider the representation of the petitioner for voluntary retirement of her husband on medical grounds and settle his service benefits and release the same forthwith.

Heard Sri P. Amarender, counsel for the petitioner, and the Government Pleader appearing for the respondents.

The petitioner is the wife of an employee and the petitioner's husband, who is working as Panchayat Secretary, is suffering from paralysis and is bedridden. The petitioner also stated that on behalf of her husband, she has submitted an application to the respondents on 22.04.2019 requesting the respondents to retire her husband on voluntary basis and settle the terminal benefits of her husband, but so far the respondents have not passed any orders on the said representation. Therefore, the present writ petition is filed by the petitioner seeking a

direction to the respondents to retire her husband on medical invalidation grounds and thereafter release the service benefits of her husband.

This Court, having considered the submissions of learned counsel for respective parties, is of the considered view that the employee is not before the Court and his wife has filed this writ petition, which is not maintainable, and no authorisation has been obtained by the petitioner from the employee to file the present writ petition. A stranger to the respondents has filed an application seeking retirement of a Government employee, without their being any authorisation on behalf of the said Government employee, and the respondents cannot act upon a representation submitted by the wife of the employee and based upon such representation, the respondents cannot retire the Government employee from service on medical invalidation grounds and pay retiral benefits in favour of the petitioner. Therefore, this Court is not inclined to interfere with the case, as the petitioner has no locus to submit an application seeking voluntary retirement of her husband, who is an employee of the State Government, on medical invalidation grounds. Hence, there are no merits in the writ petition and the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

