

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.30822 of 2018

ORDER:

With the consent of both the parties, this Writ Petition is disposed of at the admission stage.

This Writ Petition is filed for the following relief:

“.....Writ of Mandamus under Article 226 of Constitution of India issuing a declaration to the effect that the party respondent is not entitled to receive the terminal benefits of the party respondent in pursuance of his retirement after attaining the age of superannuation on 31.08.2018 without obtaining willingness and permission from the petitioner by way of putting signature and affixing photo on pension papers of the party respondent and consequently direct the Respondents, more particularly, the 1st respondent not to release the terminal benefits of the party respondent or alternatively direct the 1st respondent to release 50% of the pensionary/retirement benefits of the 3rd respondent to the petitioner and pass such.....”

Heard Sri P.V.Krishnaiah, learned counsel for the petitioner and the learned Standing counsel for the 1st respondent.

It has been contended by the learned counsel for the petitioner that the petitioner is the legally wedded wife of the 3rd respondent and the 3rd respondent is not taking care of the petitioner and the children. He further contends that petitioner has filed the present writ petition seeking a direction to the respondents not to release terminal benefits in favour of the 3rd respondent and in alternate seeks a direction to the 1st

respondent to release 50% of the pensionary/retirement benefits of the 3rd respondent to the petitioner as the petitioner is the legally wedded wife of the 3rd respondent.

Learned Standing counsel for the 1st respondent contends that writ petition has become infructuous as the terminal benefits of the 3rd respondent have already been released in his favour.

This Court, having considered the rival submissions made by the learned counsel on either side, is of the considered view that petitioner has no right to stall the release of terminal benefits in favour of the 3rd respondent. Moreover, the learned Standing counsel had submitted that the terminal benefits have already been released in favour of the 3rd respondent. Therefore there is nothing to be adjudicated in the present writ petition.

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

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

16.07.2019
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