

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.40296 of 2018

ORDER:

Heard Sri G.Rajesh, learned counsel for the petitioner and Sri N.Vasudeva Reddy, learned Standing counsel for the respondents. With the consent of both the counsel, this writ petition is being disposed of at the admission stage.

This writ petition is filed seeking the following relief :-

“.....Writ Of Mandamus to declare the action of the respondents in not paying the PF, Gratuity, Earned leaves, SBT, SRBS and other monetary benefits to which the petitioner is entitled, inspite of written representation dt.16-08-2017 followed by personal visits, as being illegal, arbitrary and unjust, and consequently direct the respondent authorities to pay the terminal benefits and other monetary benefits along with interest @ 18 p.a. from the date of retirement, and to grant such other relief or reliefs.....”

It has been contended by the petitioner that he was appointed as a Driver with the respondents and retired from service on 26.02.2013 on attaining the age of superannuation. The grievance of the petitioner is that the respondents are not settling his terminal and other monetary benefits to which he is entitled to.

Learned counsel for the petitioner contends that petitioner was removed from service in the year 1995 and petitioner had submitted a representation on 16.08.2017 requesting the respondents to settle his service benefits for the

period he worked with the respondents as a Driver i.e., from the date of appointment till he was removed from service. But so far the respondents have not passed any orders on the representation submitted by the petitioner. Therefore, he contends that appropriate orders be passed in this writ petition directing the respondents to consider the representation submitted by the petitioner on 16.08.2017 and further direct the respondents to release the service benefits for the service rendered by the petitioner with the respondents, in accordance with Rules.

Learned Standing counsel appearing for the respondents contends that the petitioner has not claimed any service benefits and only if petitioner submits a representation, the respondents would consider the same and pass appropriate orders in accordance with Rules.

This Court, having regard to the rival submissions made by learned counsel appearing 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 the respondents within a period of two weeks from the date of receipt of a copy of this order, staking his claim to release the service benefits for the service rendered with the respondents and upon such representation being received, the respondents shall consider the same and pass appropriate orders in accordance with law, in another six weeks thereafter.

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

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 14-11-2019
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