

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.42284 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 service benefits viz., Provident Fund, Gratuity, Earned leave, SBT, SRBS, Pay Scale Arrears and pensionary benefits and arrears thereof and other monetary benefits to the petitioner herein, inspite of his repeated personal visits followed by written representation dt.12-9-2018, and 16-10-2018 and 14-11-2018, as being illegal, arbitrary and unjust, and consequently direct the respondents to pay the above said terminal benefits to the petitioner herein along with interest at the rate of 18% p.a. and to pass such other

It has been contended by the petitioner that he was appointed as a Driver with the respondents and retired from service on 30.08.2018 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 2009 and petitioner had submitted representations dt.12.09.2018, 16.10.2018 and 14.11.2018 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 representations submitted by the petitioner. Therefore, he contends that appropriate orders be passed in this writ petition directing the respondents to consider the representations submitted by the petitioner on 12.09.2018, 16.10.2018 and 14.11.2018 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 if petitioner submits a fresh 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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