

**HIGH COURT FOR THE STATE OF TELANGANA
(Special Original Jurisdiction)**

WEDNESDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 5152 OF 2019

Between:

S. Raja Rao, S/o. Late Jakkaiah, age 63 years, Occ: Head Constable No.2483 (Retired), R/o.H.No. 3-112/C/9/7, Boduppal, Hyderabad.

...PETITIONER

AND

1. The Commissioner of Police, Hyderabad City, State of Telangana, Basheerbagh, Hyderabad.
2. The Superintendent of Police, Nalgonda, Nalgonda District.
3. The Accountant General, State of Telangana, Saifabad, Hyderabad.
4. State of Telangana, rep. by its Principal Secretary, Home Department, Secretariat Buildings, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus by declaring the entire action of the respondents, particularly the entire action of the 3rd respondent in not releasing the Gratuity amount to the petitioner, even though he retired from service as on 30.11.2014, inspite of necessary proposals submitted by the 2nd respondent vide his letter C.No. 6332/P6/2014 dt. 24.10.2014, requesting the 3rd respondent to release the gratuity amount of the petitioner is as highly illegal, arbitrary, unjust, improper, colorable exercise of power, vindictive attitude and violative of Article 14 and 300-A of Constitution of India and consequently direct the respondents to forthwith release and to pay the gratuity amount of the petitioner with interest @ 24% per annum from the date of retirement till actual payment is made to the petitioner

IA NO: 1 OF 2019

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to forthwith to pay the gratuity amount of the petitioner.

Counsel for the Petitioner: SRI SANTHAPUR SATYANARAYANA RAO

Counsel for the Respondent Nos. 1,2&4: GP FOR HOME

Counsel for the Respondent No.3: SRI B. NARSIMHA SARMA

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.5152 of 2019

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to issue a writ of Mandamus declaring the action of the respondents, particularly the 3rd respondent, in not releasing the Gratuity amount to the petitioner, even though the petitioner has retired from service on 30.11.2014 and in spite of necessary proposals submitted by the 2nd respondent vide letter C.No.6332/P6/2014, dated 24.10.2014, requesting the 3rd respondent to release the gratuity amount of the petitioner, as arbitrary and illegal, and consequently, direct the respondents to forthwith release the gratuity amount of the petitioner with interest @24% per annum from the date of retirement till the date of actual payment made to the petitioner.

2. Heard Sri S.Satyanarayana Rao, learned counsel for the petitioner and Sri B.Narsimha Sarma, learned Standing Counsel for 3rd respondent.

3. It has been contended by the petitioner that the petitioner was initially appointed as a Police Constable on 22.08.1978. Subsequently, he was promoted as a Head Constable in the year 2014 and ultimately he retired from service on attaining the age of superannuation on 30.11.2014. He contended that after retirement, the petitioner was paid all the pensionary benefits, except the gratuity amount on the ground that the petitioner has not paid the GPF subscription, and accordingly, the 3rd

respondent has denied for payment of gratuity amount to the petitioner. He further contended that the 2nd respondent vide letter, dated 24.10.2014, has informed the 3rd respondent that the GPF subscription, payable by the petitioner, was recovered from the salary of the petitioner and hence, recommended to the 3rd respondent that the gratuity amount, to which the petitioner is entitled, may be released in favour of the petitioner. In spite of the same, the 3rd respondent has not passed any orders on the said recommendations so far. Therefore, learned counsel for the petitioner contended that appropriate orders may be passed directing the 3rd respondent to pass appropriate orders on the recommendations made by the 2nd respondent for release of gratuity amount to the petitioner, within a reasonable period of time.

4. Learned Standing Counsel appearing for the 3rd respondent would submit that since the 2nd respondent has recommended the 3rd respondent for release of GPF amount in favour of the petitioner vide letter, dated 24.10.2014, the 3rd respondent would consider the same and pass appropriate orders in accordance with law.

5. This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that this Writ Petition can be disposed of directing the 3rd respondent to consider the recommendations made by the 2nd respondent vide letter, dated 24.10.2014, for release of gratuity amount, to which the petitioner is entitled to,

in favour of the petitioner, and pass appropriate orders, in accordance with law, as early as possible, preferably within a period of two (2) months from the date of receipt of a copy of this order.

6. With the above observation, this Writ Petition is disposed of.

Miscellaneous petitions, if any, pending shall stand closed.

No costs.

//TRUE COPY//

SD/-I.NAGALAKSHMI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Commissioner of Police, Hyderabad City, State of Telangana, Basheerbagh, Hyderabad.
2. The Superintendent of Police, Nalgonda, Nalgonda District.
3. The Accountant General, State of Telangana, Saifabad, Hyderabad.
4. The Principal Secretary, Home Department, State of Telangana, Secretariat Buildings, Hyderabad.
5. One CC to Sri. Santhapur Satyanarayana Rao, Advocate [OPUC]
6. One C.C. to Sri. B. Narsimha Sarma, Advocate [OPUC]
7. Two CCs to GP for Home, High Court for the State of Telangana. [OUT]
8. Two CD Copies

Prk

Handwritten signature

HIGH COURT

DATED:04/11/2020

ORDER

WP. No. 5152 of 2019



Disposing of the WP,
without costs.

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11/11/20
Hw