

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

(Special Original Jurisdiction)

**FRIDAY, THE TWENTIETH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY**

PRESENT

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO: 7637 OF 2020

Between:

Pammi Knnaka Durga, W/o. Ramaswamy, Aged about 47 years, Occ. House Wife,
R/o. Bandaru Gardens, Amalapuram, East Godavari District.

...PETITIONER

AND

1. Bharat Sanchar Nigain Ltd., (Government of India Enterprise), Bharat Sanchar Bhavan, 5th floor, Janpath, New Delhi.
2. Bharat Sanchar Nigam Ltd., Rep. by its Chief General Manager, Telangana Circle, Hyderabad.
3. The Dy. General Manager, BSNL, Khammam Town and Dist.
4. The Accounts Officer (VRS), O/o. Principal CCA, BSNL, Kavadiguda, Secunderabad.
5. State Bank of India, Rep. By its Manager, Sattupalli Branch, Khammam District.
6. Pammi Ramaswamy, S/o. Narayana, Aged 56, R/o. 185, Balayogi Colony, Kondalamma Chintamainidivaram, East Godavari District.

...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 declaring the action of the respondents 2 to 5 in allowing to withdraw the amount of 2nd installment under VRS Scheme obtained by the 6th respondent even though the petitioner is the legally wedded wife and as she is the legal heir of the 6th respondent and also the nominee of the amounts payable by the respondents 2 to 5 is illegal and arbitrary and consequently direct the respondents 2 to 5 not to permit the 6th respondent to withdraw the amounts as deposited in the 5th respondent bank and further direct the respondents 2 to 5 to release the further amounts/second installment in favour of the petitioner herein.

IA NO: 1 OF 2020

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 2 to 5 to release the amounts of second installment in favour of the petitioner forthwith, due under VRS Scheme, to the 6th respondent as petitioner being the legal heir/nominee without disbursing the amount to the 6th respondent and also direct 2 to 5 to pay the 3/4th of the monthly pension to the petitioner every month to her and her two children for their livelihood, pending disposal of the main WP.

Counsel for the Petitioner : M/s. PULIPATI RADHIKA

Counsel for the Respondent Nos.1 to 4: Ms. P. SHARADA SC FOR BSNL

Counsel for the Respondent No.5:-----

Counsel for the Respondent No.6: SRI B. SESHU KUMAR

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.7637 of 2020

ORDER:

This writ petition is being disposed of at the admission stage with the consent of learned counsel for the respective parties.

This writ petition is filed seeking the following relief:

"... to issue a Writ Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent Nos.2 to 5 in allowing to withdraw the amount of 2nd installment under VRS Scheme obtained by the 6th respondent, even though the petitioner is the legally wedded wife and as she is the legal heir of the 6th respondent and also the nominee of the amounts payable by respondent Nos.2 to 5, is illegal and arbitrary, and consequently, direct respondent Nos.2 to 5 not to permit the 6th respondent to withdraw the amounts as deposited in the 5th respondent bank and further direct respondent Nos.2 to 5 to release the further amounts/second installment in favour of the petitioner and pass such order or orders"

Heard Ms. Pulipati Radhika, learned counsel appearing for the petitioner, Ms. P. Sharada, learned Standing Counsel appearing for respondent Nos.1 to 4 – BSNL, and Sri B. Seshu Kumar, learned counsel appearing for respondent No.6.

It has been contended by the petitioner that respondent No.6, who is her husband, is employed in Bharat Sanchar Nigam Limited (BSNL) and he has obtained VRS on 31.01.2020. The grievance of the petitioner is that respondent

No.6 is not taking care of the petitioner and her children. Therefore, the petitioner has filed the present writ petition directing the BSNL authorities not to permit respondent No.6 to withdraw the terminal benefits as deposited in the respondent No.5 - Bank and further direct respondent Nos.2 to 5 to release the terminal benefits of respondent No.6 in her favour.

Learned counsel for the petitioner, therefore, contends that appropriate orders be passed in the writ petition directing the BSNL authorities to withhold the terminal benefits of respondent No.6 and further direct respondent Nos.2 to 5 to release the terminal benefits of respondent No.6 in favour of the petitioner.

Learned Standing Counsel for BSNL had contended that the present writ petition is not maintainable before this Hon'ble Court and the petitioner must approach the Central Administrative Tribunal (CAT), Hyderabad, for redressal of her grievance in respect of pension and terminal benefits of respondent No.6.

Learned counsel for respondent No.6 submits that the petitioner cannot approach this Hon'ble Court. If she intends to claim the pension and terminal benefits of respondent No.6, she must approach the competent Civil Court and the writ petition is not maintainable.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that the present writ petition is not maintainable and the petitioner has to approach the competent Civil Court for claiming any terminal benefits of respondent No.6 by way of filing an application for maintenance and the petitioner cannot seek a direction to stall the terminal benefits payable to respondent No.6. This Court cannot adjudicate the civil dispute between the petitioner and respondent No.6, under Article 226 of the Constitution of India.

Therefore, there are no merits in the present writ petition and the same is liable to be dismissed and, it is accordingly, dismissed. However, liberty is given to the petitioner to approach the competent Civil Court to pursue her remedy in accordance with law. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

//TRUE COPY//

SD/-K.VENKAIAH
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. One CC to M/s. Pulipati Radhika, Advocate [OPUC]
2. One CC to Ms. P.Sharada, SC for BSNL, Advocate [OPUC]
3. One CC to Sri B.Seshu Kumar, Advocate [OPUC]
4. Two CD Copies

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HIGH COURT

DATED:20/11/2020



ORDER

WP.No.7637 of 2020

DISMISSING THE WP

WITHOUT COSTS

(5)

VLV
30/11/20