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

MONDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO: 23284 OF 2020

Between:

P. Santhosh Kumar, S/o. P. Chakrapani, Aged 58 years, Occ. Retired Employee, R/o. D.No. 8-202, F.No. 107, Prasunanagar, Madhavi Apartments, Chintal HMT Post, Chintal, Hyderabad.

...PETITIONER

AND

1. Telangana State Agro Industries Development Corporation Limited, Rep. by its Chairman cum Managing Director, No. 302 and 303, Swarnajayanthi Complex, Ameerpet, Hyderabad.
2. The Accounts Officer, O/o. Telangana State Agro Industries Development Corporation Limited, No. 302 & 303, Swarnajayanthi Complex, Ameerpet, Hyderabad.
3. M/s. Shriram City Union Finance Limited, Kukatpally Branch, rep. by its Authorized Signatory, Kukatpally, 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 any writ, order or direction more particularly one in the nature of WRIT of MANDAMUS declaring the action of the 1st and 2nd respondents in not releasing the retirement benefits of the petitioner on attaining the age of superannuation on 31/5/2020 as arbitrary, illegal, bad in law, violative of Article 19 and 21 of the Constitution of India and consequently direct the respondent nos. 1 and 2 to release the retirement benefits viz., gratuity, provident fund, earned leaves etc., along with interest @ 18% per annum from the date of retirement i.e., 31/05/2020 till the date of actual payment.

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 respondent nos. 1 and 2 to release the retirement benefits viz., gratuity, provident fund, earned leaves etc., to the petitioner forthwith.

Counsel for the Petitioner: SRI P.V.L. BHANU PRAKASH

Counsel for the Respondent Nos. 1&2: SRI BANDA PRASADA RAO,

STANDING COUNSEL FOR TSAIDCL.

Counsel for the Respondent No.3: NONE APPEARED

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.23284 of 2020

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both the parties.

This writ petition is filed seeking the following relief:

> "...to issue any writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the 1st and 2nd respondents in not releasing the retirement benefits of the petitioner on attaining the age of superannuation on 31.05.2020 as arbitrary, illegal, bad in law, violative of Articles 19 and 21 of the Constitution of India and consequently direct the respondent Nos.1 and 2 to release the retirement benefits viz., gratuity, provident fund, carned leaves etc., along with interest @ 18% per annum from the date of retirement i.e., 31.05.2020 till the date of actual payment and pass such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case."

Heard Sri P.V.L. Bhanu Prakash, counsel for the petitioner, and Sri Banda Prasada Rao, Standing Counsel appearing for respondent Nos.1 and 2.

It has been contended by the petitioner that he was working as Driver with the 1st respondent Company and while he was in service, he stood as surety to one Ch. Laxman, the principal borrower who obtained loan from the 3rd respondent Finance Company in the year 2015. When the principal borrower failed to repay the loan amount, the 3rd respondent had initiated proceedings of the Chit Fund Act by

filing Arbitration Case being ARC.No.171 of 2017 before the sole Arbitrator appointed by the Finance Company. The sole Arbitrator was pleased to pass an award dated 30.12.2017 in ARC.No.171 of 2017 against the petitioner. Thereafter, the 3rd respondent has filed E.P.No.321 of 2018 before the I-Additional Chief Judge, City Civil Court at Secunderabad. In the said E.P, *vide* orders dated 14.08.2019, the 2nd respondent herein was directed to attach the salary of the petitioner to an extent of Rs.8,13,445/-. In pursuance of the said orders, an amount of Rs.1,74.033/-, in nine instalments, was recovered from the salary of the petitioner and thereafter the petitioner retired from service on 31.05.2020 on attaining the age of superannuation. The grievance of the petitioner is that due to the attachment orders dated 14.08.2019 passed in E.P.No.321 of 2018, respondents Nos.1 and 2 are not releasing the retiral benefits and gratuity amount to the petitioner.

Counsel for the petitioner contended that the gratuity cannot be attached in terms of Section 60 of C.P.C and the respondents can refund the balance amount and release other retiral benefits including the gratuity to the petitioner in accordance with law.

Standing Counsel appearing for respondent Nos.1 and 2 had contended that let the petitioner submit a fresh representation to the respondents staking his claim for release of retiral benefits and gratuity amount, and thereupon the respondents would consider the same and pass appropriate orders in accordance with law.

This Court, having considered the rival submissions made by the counsel for 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, staking his claim for release of retiral benefits and gratuity, within two weeks from the date of receipt of a copy of this order. Upon such representation being received, the respondents shall consider the case of the petitioner in terms of Section 60 of CPC and pass appropriate orders in another eight weeks thereafter.

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

Pending miscellaneous petitions, if any, shall stand closed.

SD/-K.AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Chairman cum Managing Director, Telangana State Agro Industries Development Corporation Limited, No. 302 and 303, Swarnajayanthi Complex, Ameerpet, Hyderabad.
2. The Accounts Officer, O/o. Telangana State Agro Industries Development Corporation Limited, No. 302 & 303, Swarnajayanthi Complex, Ameerpet, Hyderabad.
3. One CC to Sri. P.V.L. Bhanu Prakash, Advocate [OPUC]
4. One CC to Sri. Banda Prasada Rao, Standing Counsel for TSAIDCL. [OPUC]
5. Two C.D. Copies

prk

HIGH COURT

DATED:21/12/2020



ORDER

WP.No.23284 of 2020

Disposing of the WP.
without costs.

SSV
6 Copies
Dt 2/01/2021