

THE HONOURABLE SMT. JUSTICE V.SUJATHA

WRIT PETITION No.19124 of 2023

ORDER:

The present Writ Petition came to be filed under Article 226 of the Constitution of India seeking the following relief:-

“...to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus to declare the action of the respondents in withholding/recovery an amount of Rs.1,45,602/- from petitioner’s retirement gratuity that too after their retirement as excess paid under G.O.Ms.No.330, Education Department, Dated 10.08.1983 in violation of the full bench judgment of the Honourable High Court in W.P.No.21457 of 2004 reported 2010 4 ALT 145 and State of Punjab and others Vs Rafiq Masih reported in 2015 4 SCC 334 and as per the Division Bench of Honourable Telangana High Court in W.P.No.32896 of 2013 and Batch dated 24.02.2022 is as illegal, arbitrary and unconstitutional and consequently declare that the petitioner is entitled for repayment of the recovered/withheld gratuity amount of Rs.1,45,602/- as per to the Division Bench orders of this Honourable Court passed in W.P.No.33315 of 2013 Dated 22.06.2020 and Division Bench orders in W.P.No.31507 of 2013 and Batch and Division Bench orders in W.P.No.33594 of 2013 dated 06.04.2021 along with interest at the rate of 12percent on delay payment from the date on which the gratuity becomes payable till such payment is made and to pass....”

2. Today, when the matter came up for hearing, Mr. A.V.S.S. Bhujanga Rao, learned counsel for the petitioner has submitted that the subject matter of this writ petition is similar to that of subject matter in writ petition No.33315 of 2013 which was disposed of on 22.06.2020 with the following directions:-

“However, as the process and sending of final pension proposals of the applicant to the Accountant General have not yet been completed, this Court deems it appropriate to dispose of the writ petition directing the petitioners-Government to process and send the necessary final pension proposals of the 1st respondent-applicant without any recovery, to the 3rd respondent/Accountant General, within a period of eight weeks from today if not already processed, and if any amount is recovered, the same shall be returned to the applicant.

With the above observation, the writ petition is disposed of.”

3. He further requested this Court to pass a similar order in this writ petition also, which was not opposed by learned Government Pleader for Services-3 and 1.

4. In view of the above, this writ petition is disposed of on the same identical lines as was granted in writ petition No.33315 of 2013 dated 22.06.2020. There shall be no order as to costs.

5. The office is directed to enclose a copy of the order dated 22.06.2020 issued in writ petition No.33315 of 2013 to this order.

Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE V.SUJATHA

Date : 01.08.2023

GSS