

APHC010307212012



**IN THE HIGH COURT OF ANDHRA
PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3457]

THURSDAY ,THE NINTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 9754/2012

Between:

P.v.ramana Babu,

...PETITIONER

AND

The A P State Transport Corporation

...RESPONDENT

Counsel for the Petitioner:

1.PEETA RAMAN

Counsel for the Respondent:

1.K SATYANARAYAN MURTHY(SC FOR APSRTC)

THE HON'BLE SRI JUSTICE HARINATH NUNEPALLY**WRIT PETITION No.9754 of 2012****ORDER:**

1. The learned counsel for the petitioner is challenging the inaction on the part of the respondent corporation in not paying 10% of the retirement benefits, including Provident Fund, Gratuity, SBT amount, leave salary, and one month full salary. The petitioner retired from the service of the respondent corporation as an Assistant Depot Clerk on 31.01.2011.

2. The learned counsel appearing for the petitioner submits that the respondent corporation has paid 90% of the Provident Fund, Gratuity, and SBT amounts but retained 10%, which was to be paid within a period of three (03) months from the date of retirement. However, despite 15 months have elapsed, the withheld 10% amount was not paid. Hence, the writ petition.

3. It is further submitted that the petitioner is entitled to a higher amount. It is also stated that, if an inquiry is pending against the petitioner, the respondent should justify the withholding of the amount due to him. Before admitting the writ petition, this Court directed the respondents to consider the petitioner's representation dated 07.03.2012 and to pass necessary orders within a period of four (4) weeks from the date of the order.

4. The learned standing counsel for the respondents submits that the petitioner was entrusted with tickets worth Rs. 10,77,925/-, which were to be handed over to the petitioner's immediate successor. The petitioner failed to handover the tickets to his successor. As a result, a portion of the retirement benefit was withheld. It is also admitted in the counter-affidavit that the petitioner was paid retirement benefits, except for the final statement salary. Additionally, it is stated that the petitioner failed to report to the respondent's office to hand over the ticket stock.

5. Heard perused the record.

6. The counter-affidavit filed on behalf of the respondent corporation does not indicate that any enquiry is pending against the petitioner. It also does not state that an enquiry has been concluded or that the petitioner has been found guilty of any misconduct, which would entitle the respondent to withhold the petitioner's service benefits.

7. When there is no enquiry is pending against the retired employee of the respondent corporation, this Court finds no justification for withholding the retirement benefits due to the petitioner. The respondent corporation is directed to release the withheld retirement benefits, including Provident Fund, Gratuity,

SBT amount, and any other amounts payable to the petitioner, within a period of four (04) weeks from the date of receipt of this Court's order, along with interest at the rate of 9%.

Accordingly, the Writ Petition is allowed. There shall be no orders as to costs.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE HARINATH NUNEPALLY

Date : 09.01.2025

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THE HON'BLE SRI JUSTICE HARINATH NUNEPALLY

WRIT PETITION No.9754 of 2012

Date: 09.01.2025

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