

**THE HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

CIVIL MISCELLANEOUS APPEAL No.159 OF 2015

JUDGMENT: (Per Hon'ble Sri Justice R. Subhash Reddy)

Heard both sides.

This appeal is filed aggrieved by the order, dated 05.12.2014, passed in I.A.No.23 of 2013 in O.S.No.853 of 2013 by the XXIV Additional Chief Judge, City Civil Court, Hyderabad.

The appellant herein has filed the aforesaid Suit for recovery of certain money due to him towards arrears of salary and to grant mandatory injunction directing the respondents to issue relieving letter and experience certificate to him. In the said Suit, he filed the aforesaid I.A. seeking mandatory injunction directing the respondents to issue relieving letter and experience certificate to him. While it is the case of the appellant that he has tendered his resignation on 21.11.2012 by giving one month notice and as such, he is entitled to be relieved from service on 20.12.2012, on the other hand, it is the case of respondents that as per the terms of agreement, the appellant has to give three months' notice, but not one month and contrary to the terms and conditions of the agreement, he has already taken up job in another college, even though he is not relieved.

The Court below, by impugned order, dated 05.12.2014, dismissed the petition on the ground that the claim of the appellant for grant of mandatory injunction is to be considered after completion of trial in the main case and as such, he is not entitled to the relief as prayed for in the I.A..

When the matter is called, it is fairly submitted by the learned counsel for appellant that as the Suit is of the year 2013 and as the appellant is a senior citizen aged about 64 years, a direction be given to the Court below to dispose of the Suit expeditiously, for which learned counsel for respondent No.1 reported no objection.

In that view of the matter, while confirming the impugned order passed by the Court below, having regard to the dispute involved in the Suit and as the appellant is aged about 64 years, we deem it appropriate to dispose of the appeal with a direction to the Court below to dispose of the Suit as expeditiously as possible, preferably within a period of six (6) months from today.

Subject to the above, the appeal is disposed of. Miscellaneous Petitions, if any, pending in this appeal shall stand closed. No costs.

R.SUBHASH

REDDY, J

A.SHANKAR

NARAYANA, J

June 26, 2015
MD