

Court No. - 35

Case :- WRIT - A No. - 15199 of 2023

Petitioner :- Ramesh Chandra

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Ravi Prakash Singh

Counsel for Respondent :- C.S.C.,Anadi Krishna Narayana

Hon'ble Vikas Budhwar,J.

This case has been nominated before this Court by the order of the Hon'ble The Chief Justice.

Heard Sri Ravi Prakash Singh, learned counsel for the writ petitioner, Sri Pradeep Kumar Shahi, learned Additional Chief Standing Counsel, who appears for respondent no.1 and Sri Namit Srivastava (AOR A/N 0036/2012), holding brief of Sri Anadi Krishna Narayan, learned counsel, who appears for the respondent nos.2 to 4.

The case of the writ petitioner is that he was appointed as a Conductor in the respondent-Corporation and post satisfactory services, he was promoted as Senior Clerk in Regional Office, Aligarh and he superannuated on 30.09.2020.

It is further the case of the writ petitioner that owing to certain complaints, an inquiry was instituted with regard to the pilferage of diesel. Pursuant there, proceedings were undertaken, which culminated into an issuance of a notice to the writ petitioner on 16.06.2021 by the third respondent, Regional Manager, Uttar Pradesh, State Road Transport Corporation, Aligarh Region, Aligarh, whereby an amount of Rs.1,62,633/- has been deducted.

According to the writ petitioner, the entire exercise is post his

retirement that to without holding any inquiry as per the regulations of the Corporation. He further submits that the amount be refunded in that regard.

Prayer in the present petition is for a direction to quash the notice dated 16.06.2021 and to refund the amount, which has been illegally deducted.

Sri Namit Srivastava (AOR A/N 0036/2012), holding brief of Sri Anadi Krishna Narayan, learned counsel, who appears for the respondent nos.2 to 4, submits that the let the writ petitioner submit his reply to the said notice, which shall be considered with due expedition, strictly in accordance with law and orders will be passed thereon. He further submits that he does not propose to file any response to the writ petition.

To such a submission, learned counsel for the writ petitioner has no objection and he gracefully accepts the same.

Considering the submission of the rival parties as well as the stand taken by them the writ petition is being disposed off granting liberty to the writ petitioner to represent a comprehensive representation against the notice dated 16.06.2021, passed by the third respondent and on the receipt of the same, the third respondent shall pass an order strictly in accordance with law bearing in mind the issue as to whether the recovery could have been made on the face of the fact that on the date of the retirement it is claimed by the writ petitioner that there were no disciplinary proceedings pending and also address to the issue regarding the claim of the writ petitioner for refund of the said amount within a period of three months from the date of the production of the certified copy of the order, strictly in accordance with law.

With the aforesaid observations, the writ petition stands ***disposed***

off.

Order Date :- 12.10.2023

S Rawat