

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

WRIT PETITION NO.1331 OF 2008

Between:

V. Sreenivas Reddy

.. Petitioner

and

The Andhra Pradesh State Housing
Corporation Limited and another

.. Respondents

DATE OF JUDGMENT PRONOUNCEMENT
2015

: 23rd JULY,

SUBMITTED FOR APPROVAL:

-
-
-

THE HON'BLE SRI JUSTICE SANJAY KUMAR

- | | | |
|----|--|--------|
| 1. | Whether Reporters of Local newspapers
may be allowed to see the judgment? | Yes/No |
| 2. | Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. | Whether Their Lordship wish to
see the fair copy of the judgment? | Yes/No |

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.1331 OF 2008

ORDER

This writ petition was filed by a Technical Work Inspector in the service of the Andhra Pradesh State Housing Corporation Limited aggrieved by the proceedings dated 23.10.2007 passed by the Collector & Executive Director, Andhra Pradesh State Housing Corporation Limited, Prakasam District, directing recovery of a sum of Rs.3,03,000/- or the recovery amount plus penal interest from the petitioner. The petitioner also challenged the consequential proceedings dated 24.11.2007 passed by the Collector & Executive Director, Andhra Pradesh State Housing Corporation Limited, directing recoveries from the salary of the petitioner @ Rs.1,595/- per month.

By order dated 28.01.2008, this Court took note of the fact that the impugned proceedings were passed without conducting any enquiry into the deficiency purported to have been caused by the petitioner and, being of the opinion that the said action was in gross violation of the principles of natural justice, granted interim suspension as prayed for.

W.V.M.P.No.2158 of 2013 was filed by the respondent Corporation and its Executive Director to vacate the above order.

However, with the consent of the learned counsel, the matter is taken up for final disposal as it is amenable thereto.

Perusal of the counter-affidavit filed by the Andhra Pradesh State Housing Corporation Limited, through its Project Director, reflects that there is no whisper of any enquiry having been held in the matter prior to the passing of the impugned proceedings. As the impugned proceedings

visited adverse civil consequences upon the petitioner, the Corporation was bound by law to put him on notice and afford him an opportunity of hearing before taking a decision against him. The impugned proceedings therefore cannot be sustained being in flagrant violation of the principles of natural justice.

The writ petition is accordingly allowed setting aside the impugned proceedings. However, this order shall not preclude the respondent Corporation from initiating action afresh in accordance with law, if warranted. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

23rd JULY, 2015

Svv