

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

**WEDNESDAY, THE SECOND DAY OF DECEMBER TWO
THOUSAND AND FIFTEEN**

–
Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

–
WRIT PETITION No.38935 of 2015

Between:

N. Saritha, W/o.V.Satyam,
Aged 34 years, Working as
Mandal Technical Assistant in
District Water Management Agency,
Karimnagar, R/o.H.No.19-78,
Ibrahimpattam Village, Mahalaxmi wada,
Mahadevpur Village and Mandal,
Karimnagar District.

.. Petitioner

AND

The State of Telangana,
Rep. by its Panchayat Raj &
Rural Development Department,
Telangana Secretariat, Hyderabad & 5 others

..
Respondents

The Court made the following:

–
–
–
–
–
–
–

-

-

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.38935 of 2015

-

ORDER:

The petitioner is a Technical Assistant. The petitioner challenges the notice, dated 28.05.2015, directing the petitioner to remit the amount mentioned in a tabulated form.

2. Learned counsel for the petitioner contends that there was no notice and opportunity afforded to the petitioner before directing the petitioner to pay the amount. According to the learned counsel for the petitioner, on 20.06.2011 show cause notice was issued quantifying certain amounts to be paid by the petitioner. The petitioner submitted her explanation and thereafter, no further action was taken until the present order is passed. Since the order requires payment of huge amount, the same could not have been passed without notice or opportunity and on that ground, the order is liable to be set aside.

3. Learned Special Counsel obtained written instructions. According to the learned Special Counsel, on the representation of the petitioner, dated 04.11.2013, the works were verified by the Regional Quality Control Officer and he has submitted his report on 18.02.2015. The report points out excess payment. Having regard to the said report, the impugned notice of remittance is issued.

4. Learned Special Counsel is fair in stating that no prior notice was issued before passing the impugned order and if an opportunity is given, proper steps will be taken before affecting recovery.

5. As the impugned order itself reads no prior notice was issued to the petitioner before affecting recovery and the petitioner was not put on notice as to how the amount is quantified as payable by the petitioner, an order directing recovery of such huge amount could not have been passed without first putting the petitioner on notice, more so, on earlier occasion such notice was issued to the petitioner. Hence, the impugned order is liable to be set aside on this ground and it is, accordingly, set aside. However, in the event of the respondents intending to seek recovery of the amount, they shall follow due process before ordering any such recovery.

6. Accordingly, the Writ Petition is allowed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 2nd December, 2015

KL



HON'BLE SRI JUSTICE P.NAVEEN RAO

-

-

—

—

—

—

—

KL