

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE  
AND  
THE HON'BLE SRI JUSTICE S.V. BHATT**

**WRIT PETITION No.15022 of 2015**

**Dt:18.08.2015**

Between:

V.Srinivas.

... Petitioner

And

High Court of Judicature at Hyderabad and others.

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE  
AND  
THE HON'BLE SRI JUSTICE S.V. BHATT**

**WRIT PETITION No.15022 of 2015**

**PC:** (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard Mr.G.Vidyasagar, learned Senior Counsel for the petitioner and learned Standing Counsel for the respondents.

The petitioner, who is an employee of the respondents, working at the relevant time in the District Court at Warangal, seeks to challenge the proceedings, dated 17.04.2015 (Annexure P1) and the consequential proceedings, dated 02.05.2015 (Annexure P2). By the proceedings, dated 17.04.2015, Respondent No.2 directed the Senior Civil Judge, Mahaboobabad to re-fix pay of the petitioner and to recover the pay and allowance already drawn in excess by him from 11.11.2004, and be remitted to the appropriate head of account. By the proceedings, dated 02.05.2015, the Senior Civil Judge, Mahaboobabad directed the petitioner to remit the amount of Rs.75,000/-, before the preparation of pay bill for the month of May, 2015. Challenging these two proceedings, the petitioner filed the instant writ petition on 25.02.2015 under Article 226 of the Constitution of India.

Mr.Vidyasagar, at the outset, submits that the impugned proceedings, in particular, the proceedings, dated 17.04.2015, issued by respondent No.2 directing recovery of lump sum from the petitioner

were issued without notice to him. He further submits that the respondents cannot recover the excess pay and allowance already drawn from 11.11.2004. He submits that if an opportunity is given to the petitioner by respondent No.2, he shall place reply on record for consideration and in turn, respondent No.2 may be directed to consider his reply and pass fresh orders. It is not in dispute that no notice was issued before passing of the impugned order/proceedings.

Having considered the nature of impugned proceedings and the submissions of learned counsel appearing for the parties, we are satisfied that this writ petition can be conveniently disposed of by the following order:

“Respondent No.2 shall treat the order/proceedings, dated 17.04.2015, as a show cause notice to the petitioner. The petitioner shall submit his reply to the show cause notice within a period of two weeks from today. Respondent No.2 shall consider the reply and decide the show cause notice within a period of six weeks from the date of receipt of the reply. In other words, respondent No.2 shall pass fresh orders after considering the reply that will be filed by the petitioner within the stipulated time. In view thereof, the order, dated 02.05.2015, issued by the Senior Civil Judge, Mahaboobabad renders ineffective. All contentions of the parties are kept open.

It is needless to mention that till fresh order is passed by respondent No.2, there shall not be any recovery from the petitioner.”

With these observations, the writ petition is disposed of.

Consequently, miscellaneous petitions, if any, also stand disposed of.

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**DILIP B. BHOSALE, ACJ**

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**S.V. BHATT, J**

Dt:18.08.2015  
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