

HON'BLE SRI JUSTICE P.NAVEEN RAO

—

WRIT PETITION No.2385 of 2011

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DATED : 19.07.2016

Between:

B. Parasuramulu S/o.Aravaiah,
Aged about 45 yrs, Conductor, E.No.207142,
R/o.Chinna Madur (Village),
Devarupula Mandal, Warangal District.

.. Petitioner

AND

The Depot Manager, APSRTC,
Kushaiguda Depot,
Ranga Reddy District.

.. Respondent

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The Court made the following:

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ORDER:

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When the matter is called, both the counsel submit that on the allegation of mis-appropriation of funds belonging to the respondent, the disciplinary proceedings resulted in imposing of punishment of removal. The said punishment was challenged by the petitioner in I.D.No.21 of 2003 before the Labour Court and the Labour Court passed Award setting aside the order of removal dated 20.01.2003 and directed the Corporation to reinstate the petitioner as a fresh appointee. Aggrieved by the Award of the Labour Court, to the extent of treating him as a fresh appointee, the petitioner filed W.P.No.3752 of 2009 which is pending before this Court.

2. This writ petition is filed praying to grant the following relief :

“To issue a Writ Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent recovering arrears of Rs.4240/- from the salary of the petitioner as illegal, arbitrary, and null and void, consequently direct the respondent to pay back of Rs.4240/- deducted July, 2009 to April, 2010”.

3. As seen from the prayer, the petitioner's grievance is that an amount of Rs.4240/- was deducted from the salary of the petitioner and the said amount should be paid back to him.

4. As seen in Para No.4 of the counter affidavit, two charges were leveled against the petitioner and in Charge No.2 it is specifically alleged that petitioner misappropriated amounts due to the Corporation to an extent of Rs.3979/-. It is not denied that the amount recovered

from the petitioner's salary directly relatable to the charges leveled against him. Thus, the petitioner cannot independently prosecute the issue of remitting the money recovered by the employer.

5. Having regard to the above, the writ petition is not maintainable and is liable to be dismissed. However, it is made clear that there is no expression of opinion on merits on the claim of the petitioner and it is open to the petitioner to make a claim for refund of money in W.P.No.3752 of 2009 as claimed in this writ petition.

6. Thus, leaving it open to the petitioner to agitate his grievance in W.P.No.3752 of 2009, this writ petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

19th July, 2016
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