

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION NO.468 OF 2004

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to issue writ of mandamus declaring the order of recovery from the salary of the petitioner contained in proceedings No.3136/Estt/93, dated 09-05-2002 of the 2nd respondent as illegal and without jurisdiction

2. At the time of arguments, both counsel with one voice submitted that the respondents recovered an amount of Rs.74,806/- from April, 2002 to October, 2003 from the salary of the petitioner in pursuance of the order passed by the 2nd respondent, dated 09-05-2002. It is further submitted as per Rule 9 of APSC (CCA) Rules, 1991 and as per G.O.Ms.No.187 CAD dated 25.4.1985, wherever an employee is awarded recovery from pay, the individual is not entitled for promotion or appointment by transfer to a higher post during the period of penalty for a minimum period of one year.

3. Learned standing counsel for the respondents submitted that the petitioner was given promotion as Deputy Executive Engineer on the F.N. of 27-05-2004.

4. In view of submission made by the learned standing counsel for the respondents, no cause of action survives in the present writ petition.

5. Accordingly, the writ petition is closed. No order as to costs. Miscellaneous petitions, if any pending, in this writ petition shall stand closed.

T.SUNIL CHOWDARY, J

DATED: 18-04-2016.

Hsd