

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.36097 of 2012

ORDER:

This writ petition is filed seeking the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to pass an order, direction or writ more particularly one in the nature of writ of mandamus declaring that the action of the first respondent University in refusing to finalize the bills of the petitioner under letter dated 12.11.2012 in reference No.EFLU/WORKS/2012/2757 is arbitrary, illegal, malafide and violative of fundamental rights of the petitioner and is violative of his principles of natural justice and his right to livelihood and set aside the same and pass such other order or orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case.”

(Reproduced verbatim)

2. Heard *Sri Govardhan Venu*, learned counsel appearing for the writ petitioner. I have perused the material record.

3. When the matter is taken up, there is no representation for the first respondent-University as well as the second respondent-Central Bureau of Investigation (CBI), Hyderabad.

4. In this writ petition, the writ petitioner is aggrieved by the inaction of the respondents in processing and finalizing the bills dated 15.03.2011 and 29.03.2011 in respect of the work relating to New Women’s Hostel, i.e., Sarojini Naidu Hostel, and New International Hostel, i.e., Tagore Hostel at University campus, Hyderabad, under an agreement, dated 21.01.2008.

4.1 The petitioner contends as follows:

The said work, which was entrusted to the petitioner under the agreement, was completed. The petitioner has submitted along with

other bills that are processed, the aforementioned bills also making claim for the amounts mentioned in the said bills due and payable by the respondent-University. But, the respondent-University neither denied the liability nor has made any payments as sought for by the petitioner.'

4.2 Learned counsel for the petitioner placed before this Court the order, dated 19.03.2015, passed by the Principal Special Judge for CBI cases, Nampally, Hyderabad, relating to final report in Rc.No.10(A) of 2012-CBI/ACB/Hyderabad, by which the said learned Judge has accepted the final report filed by the CBI and closed the case against the accused therein including the writ petitioner, who is arraigned as the 13th accused, and further directed that the documents and case property seized/collected during the course of investigation be returned to the concerned. It is also the submission that inspite of the said order by a competent Court, the respondent University has not taken back the records seized from it by the CBI from the office of the CBI.

5. In the facts and circumstances, as of now there are no impediments for the first respondent University to take return of all the records seized by the CBI and consider the claim of the petitioner under various bills in question and inform the petitioner about the decision taken by it in regard to the claims made by the petitioner or process the claims in the bills of the petitioner, if such a course is permissible.

6. In that view of the matter, the Writ Petition is allowed and the 1st respondent University is directed to consider the claims of the petitioner and take a decision in respect of the subject bills submitted by him and inform the petitioner, within four weeks from the date of receipt of a copy of this order, the decision taken by it in regard to the said claims made by the petitioner. Depending upon the response by the first respondent,

liberty is reserved to the petitioner to avail remedies, which the law permits.

Pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

JUSTICE M. SEETHARAMA MURTI

February 21, 2016

Note: - Issue copy by one week.

{B/o}

LMV

