

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.12002 OF 2017

ORDER:

1. The petitioner joined service as Conductor on 08.12.1983 and he was removed from service on 14.12.2012. The removal from service has been confirmed in appeal, revision and review *vide* orders dated 08.03.2013, 03.07.2013 and 31.10.2013 respectively. On 29.11.2015, the petitioner submitted a representation to settle his service benefits. Alleging inaction of consideration of his representation for settlement of his service benefits, he filed WP.No.35354 of 2016. On 20.10.2016, this Court passed interim orders directing consideration of representation of the petitioner dated 29.11.2015. In response to the said directions, orders were passed on 05.11.2016, which are impugned in this Writ Petition.

2. By the order impugned, the petitioner was informed that an amount of Rs.1,88,923/- is due to the Corporation whereas an amount of Rs.1,46,900/- is only lying in the account of the petitioner. Therefore, the petitioner is directed to clear the balance amount and obtain 'no due certificate' for the purpose of settlement of his benefits.

3. The limited grievance in this Writ Petition is that out of all the amounts tabulated liable to be paid by the petitioner, one item is "loss of tickets" and the amount quantified is Rs.42,097/-. By placing reliance on the decision of this Court in **Ch.P.Reddy v. APSRTC, Hyderabad and another**¹, learned counsel for the petitioner submits that quantification of such huge amount

¹ 2000(5) ALD 93

towards loss of tickets is not valid and an employee is at the most liable to pay cost of printing of tickets lost but not the value of the tickets lost.

4. Learned Standing Counsel did not dispute the legal position but, however, sought to contend that as early as in the year 2012 a charge memo was issued and it appears that disciplinary proceedings are pending. He further submits that there is no further information on the status of the disciplinary proceedings.

5. It is not in dispute that the petitioner was removed from service on 14.12.2012. Probably, since the petitioner was already removed from service, the disciplinary action was not pursued further.

6. Be that as it may, as held in the case cited above, the respondents cannot quantify the value of the tickets lost but can only recover from the petitioner the cost of printing of the tickets lost.

7. Having regard to this finding, the Writ Petition is disposed of directing the respondents to assess the printing cost of the tickets lost and recover the amounts to that extent only and pay the balance amount payable to the petitioner after adjustment of any dues payable to the Corporation. This exercise shall be completed within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(P.NAVEEN RAO, J)

26th April 2017
RRB