

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.37745 of 2017

ORDER: *(Per VRS,J)*

The petitioner has come up with the above writ petition aggrieved by a very limited stay granted by the Andhra Pradesh Administrative Tribunal.

2. Heard Mr.K.Sudarshan Reddy, learned counsel for the petitioner, and the learned Government Pleader for Services (AP).

3. Challenging an order of penalty of stoppage of five annual increments with cumulative effect and recovery of an amount of Rs.2,39,812/-, the petitioner, who is working as Assistant Engineer in Municipal Corporation, filed an Application before the Tribunal. The Tribunal, admitted the Original Application and granted an interim order directing the respondents to recover the amount of Rs.2,39,812/- @ Rs.15,000/- per month, so that the petitioner is not put to severe hardship, though he may be put to some hardship.

4. Contending that the entire order of penalty is illegal and that he had not committed any misconduct to be punished, the petitioner has come up with the above writ petition challenging the interim order.

5. Whether the petitioner has committed any misconduct or not, has to be decided by the Tribunal in the main Application. While considering his prayer for interim relief, the Tribunal granted some breather to the petitioner.

6. To see whether recovery of Rs.15,000/- per month will work out serious hardship to the petitioner, we directed the learned Government Pleader to find out the take home pay of the petitioner. From the payslip produced today, it is seen that the net take-home pay of the petitioner is Rs.76,822/- per month. Therefore, the order passed by the Tribunal does not call for any interference.

7. Hence, the Writ Petition is dismissed.

8. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

M.GANGA RAO, J

16th November, 2017
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