

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.11842 OF 2002

ORDER:

1. This writ petition is filed seeking to declare the action of the respondents in recovering the penal rent from the salary of the petitioner as illegal and arbitrary; and to direct the respondents not to recovery any amount from the petitioner towards penal rent and refund already recovered amount towards the penal rent.

2. On 3.7.2002, while admitting the writ petition, this Court granted interim stay of recovery of penal rent until further orders.

3. When this matter is taken up for hearing, it is submitted by the learned Counsel for the petitioner that this writ petition has become infructuous.

4. The above submission is recorded. However, it is made clear that if the respondents intend to recover penal rent from the petitioner, it is always open for them to recover the same. The petitioner is permitted to make a representation to the respondents to waive the penal rent in terms of circular dated 18.4.2001. On such representation being made, the respondents shall consider and pass appropriate orders in accordance with law.

5. Accordingly, the Writ Petition is disposed of. No costs.
Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 10th September, 2018.

Nn.



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10/09/2018

Nn.