

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17093 OF 2003

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring that the action of respondents Nos.3 & 4 in effecting the illegal deduction from the salary of the petitioner from the month of November, 2002 without giving any notice to the petitioner and also to declare the action of the 1st respondent in issuing proceedings dated 26.7.2003 for effecting recovery of a sum of Rs.21,891/- in lump sum from the salary of the petitioner for the month of July 2003, without any notice, as illegal and arbitrary, and consequently, to direct the respondents to pay back the amounts already deducted from the salary of the petitioner with interest and with all consequential benefits.

2. Heard the learned Counsel for the petitioner and the learned Government Pleader for Higher Education.

3. It is the case of the petitioner that while she was working as Junior Lecturer with the respondents, she was made as in-charge principal from 25.11.1998 till 12.11.2001. While so, the respondents have issued proceedings to recover an amount of Rs.21,891/- from the

salary of the petitioner without any notice to her. Aggrieved by the same, the present writ petition is filed and this Court vide order dated 14.8.2003, granted interim suspension of the said proceedings.

4. The learned Counsel for the petitioner contended that appropriate orders may be issued to set aside the recovery proceedings as the said proceedings were passed without giving any opportunity to the petitioner.

5. The learned Government Pleader for Higher Education contended that the respondents have noticed that the petitioner had indulged in irregularities and therefore, they issued the proceedings to recover the amount from the petitioner, and that no illegality has been committed by the respondents, and there are no merits in this writ petition.

6. This Court having considered the rival submissions made by the parties is of the view that the impugned proceedings dated 26.7.2003 for effecting recovery an amount of Rs.21,891/- from the salary of the petitioner can be set aside, and accordingly, they are set aside. However, liberty is given to the respondents to initiate action after

giving an opportunity to the petitioner, in accordance to law, if they are so advised.

7. With the above observation, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 22nd November, 2018.
Nn.



HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

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22/11/2018

Nn.