

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.6045 of 2008

ORDER:

This Writ Petition was filed challenging the order dated 25.09.2007, proposing to recover an amount of Rs.20,122/- from the salary of the petitioner in twenty (20) equal monthly installments. The reason stated in the said order was that an amount of Rs.80,484.73 ps was due from the Ex-licensee, who was running a canteen at Mydukur bus-station. It appears that the said amount was apportioned among four persons/employees and 1/4th amount is sought to be recovered from the petitioner.

2. This Court by an order dated 24.03.2008, while admitting the writ petition, granted interim stay by giving opportunity to the Corporation to recover the amount from the erstwhile licensee.

3. The petitioner sought for information from the Regional Manager, Kadapa, under Right to Information Act with regard to the proceedings in the note file and it disclosed that when two employees out of four employees deposited the amount required, their appeals were allowed by the appellate authority, who ordered for refund of the deposited amount. An amount of Rs.40,244/- was refunded in respect of amount deposited by those two employees. No action was taken in respect of the petitioner when the present writ petition was pending. In the meanwhile, the petitioner retired from service and by virtue of the interim order, the amount was not recovered from the petitioner. In view of decision taken by the Corporation for refund of amount payable by two other employees, by applying the same parity to the case of the

petitioner also, it must be held that the petitioner is not liable to pay any amount to the Corporation. Further, it is noticed that the amount sought to be recovered from the petitioner is the amount of default committed by the Ex-licensee of the canteen. No enquiry was conducted with regard to the responsibility fixed on the employees and in the absence of any enquiry, merely on the basis of show-cause notice, no amount can be recovered from the petitioner.

4. The Writ Petition is, accordingly, allowed setting aside the impugned order. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.



A.RAMALINGESWARA RAO, J

JANUARY 02, 2018
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Date: 02.01.2018

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