

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.1491 of 2015

ORDER:

This writ petition is filed seeking to issue a writ of mandamus, declaring the action of the respondents in not paying the monthly remuneration and TA & DA due to the petitioner from 16.02.2013 to 08.09.2014, as illegal and arbitrary, and consequently to direct the respondents to pay the due amounts of monthly remuneration and TA & DA to the petitioner forthwith in terms of judgment of the Hon'ble Supreme Court in *Vijay L Malhotra v. State of UP and others*¹.

Heard Sri P.Lakshmana Rao, learned counsel for the petitioner and Smt.R.Padma Rekha, Special Counsel, appearing for respondent No.3.

It has been contended by the petitioner that the monthly remuneration payable to him was not paid from 16.02.2013 to 08.09.2014. Challenging the same, the present writ petition is filed.

Respondent No.3 has filed counter affidavit, and at paragraph No.4, he has stated as under:

“The petitioner claimed an amount of Rs.71,000/- towards TA & DA during his period from 16.02.2013 to 08.09.2014. This respondent after verifying his Tour Diaries sanctioned initially an amount of Rs.15,200/- vide Account Transfer FTO No.1190014001290, dated 28.11.2014, remaining amount of Rs.45,200/- was paid to the petitioner vide Account Transfer FTO No.1190015000432, dated 09.06.2015. It is submitted that the respondent paid entire remuneration and TA and DA. Therefore, there is no cause of action surviving in this writ petition.”

¹ 2000 (2) SLR 686

In view of the specific statement made by respondent No.3 in his counter affidavit that the salary was paid to the petitioner, the cause in this writ petition does not survive.

Accordingly, the writ petition is closed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

ABHINAND KUMAR SHAVILI,J

Date: 01.05.2018
Dsr

