

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 15120 of 2004

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for records relating to and connected with E.P.No.181/92-93 on the file of the 1st respondent and quash the order dated 05.08.2004 passed therein ordering the 2nd respondent corporation to attach the salary of the petitioner for a sum of Rs.28,400/- in pursuance of award No.46/88-89, dated 05.04.1989, holding it as illegal and arbitrary.

On 05.08.2004 while ordering notice before admission, this Court granted interim stay of all further proceedings in pursuance of the impugned order dated 05.08.2004.

When the matter is taken up for hearing, learned counsel for the petitioner has submitted that during pendency of the writ petition, the 2nd respondent has not recovered any amount from the salary of the petitioner and the petitioner has retired from service on attaining the age of superannuation. He has contended that as the petitioner has retired from service, the question of attaching his salary at this point of time does not arise.

This Court, having considered the submissions made by the learned counsel for the petitioner and perused the record, is of the considered view that the cause in the writ petition does not survive. However, if the 1st respondent intends to recover the amount from the petitioner, it is always open for it to explore the ways for recovering the amount from the

petitioner, in accordance with the rules and after following due process of law.

With the above observation, the writ petition is disposed of. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

5th December, 2018
cbs



HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No. 15120 of 2004
(disposed of)

5th December, 2018

cbs

