

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Petition No. 17391 of 2001

ORDER:

This writ petition is filed to declare the proceedings issued by the 2nd respondent dated 30.06.2001 seeking to recover a sum of Rs.84,708.50 ps. from the salary of the petitioner, without issuing any notice or without conducting any enquiry, as illegal and arbitrary.

Brief facts of the case, according to the petitioner, are that he joined the 1st respondent-Corporation as a Plantation Assistant in the year 1978 at Rajahmundry and was promoted as a Plantation Manager in the year 1994. Subsequently, he was posted at Rajavommangi of East Godavari District in the year 1997. There were five Deputy Plantation Managers working under the petitioner; the entire area of their operation was about 3000 hectares and the Deputy Plantation Managers were responsible for execution of various works.

While so, the 2nd respondent issued the impugned proceedings dated 30.06.2001, seeking to recover an amount of Rs.84,708.50 ps. towards the expenditure over and above the ratio of 1:2:5 in 51 instalments i.e @ Rs.1,483.50 in 1st instalment and @ Rs.1,500/- per month in 50 instalments from the salary payable to the petitioner from August, 2001, stating that the Head Office has issued Circular No.14/2000 dated 03.01.2000 to maintain 1:2:5 ratio and to initiate action against the officer-in-charge, who books the expenditure over and above the said ratio, for booking excess expenditure over and above the said ratio besides initiating disciplinary action and that, on verification of the weightment particulars of the eucalyptus pulpwood harvested and transported from the plantations, the said ratio is not maintained and the deviation in weight ratio is due to improper harvesting and improper stocking etc. The grievance of the petitioner is that the 2nd respondent

passed the impugned order without issuing any show cause notice or without conducting any enquiry.

While admitting the writ petition on 28.08.2001, this Court in W.P.M.P.No.21770 of 2001 directed that stay of recovery shall be confined to an amount of Rs.1,000/- (Rupees One Thousand Only) until further orders.

Learned counsel for the petitioner fairly concedes that no appeal whatsoever has been filed against the order in W.P.M.P.No.21770 of 2001 and, pursuant to the said order interim order, the entire amount must have been recovered from the petitioner.

In view of the aforesaid submission of the learned counsel for the petitioner, no further orders are necessary in the writ petition and the Writ Petition is, accordingly, closed.

Miscellaneous Petitions pending, if any, shall also stand closed. There shall no order as to costs.

(KONGARA VIJAYA LAKSHMI, J)

15th February, 2018
JSU

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Date: 15.02.2018

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