

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 17920 of 2004

ORDER :

This writ petition is filed seeking the following relief:

“For the reasons stated in the accompanying affidavit the petitioner herein prays that this Hon’ble Court may be pleased to issue a Writ, order or Direction particularly one in the nature of Writ of Mandamus declaring the action of the respondent in issuing final order No.01/M1/443(1)/2000-DSNR Dt.21-3-2003 for recovery of lost ticket blocks amount of Rs.6,590-50Ps. (Rupees Six Thousand Five Hundred and Ninety and paise fifty only) from the salaries of the petitioner after a lapse of three years from the date of charge sheet without furnishing the called for documents before enquiry, after the enquiry and before issuing final order of recovery and without providing opportunity to cross examined with the conductor, from whom tray the tickets were missing, and the CI/DSNR on his report Dt.28-05-2000 and deduction of full ticket blocks amounts instead of recovering printing charges of lost tickets under Regulation of Penalties (v) of Classification (conduct) and appeal Regulation 1967 is as illegal, unjust, contrary to law and in violation of principles of natural justice by granting all consequential benefits and setting aside the final order No.01/M1/443(1)/2000-DSNR Dt.21-03-2003 issued by the respondent, directing to pay the recovered amount to the petitioner and to pass such other order or orders as are deemed fit and proper in the circumstances of the case”.

Heard Sri Mohd. Ghousuddin, the learned counsel for the petitioner and Sri V.T.M.Prasad, the learned standing counsel for APSRTC.

It has been contended by the petitioner that he was appointed as conductor. He was promoted as Controller/ADC and posted at Dilsukhnagar Depot in the year 1998 as Assistant Depot Clerk. The respondent issued charge sheet dated 3-8-2000 with reference to the report of the Chief Inspector (Enquiry) DSNR Depot, dated 28-5-2000 that it was alleged and

reported by the Chief Inspector of Dilsukhnagar Depot that ticket blocks were found lost when the conductor took the tray box on 14-1-2000 to go on line.

The counsel for the petitioner contended that similar issue has fell for consideration before this Court in W.P.No.18675 of 2005 filed by the very same petitioner and this Court, vide orders dated 24.08.2005, was pleased to dispose of the writ petition with the following observations:

“Admittedly, the dispute relates to missing of some of the ticket blocks and the petitioner was held responsible for the same. Accordingly, after conducting a regular departmental enquiry, Rs.83,150/- towards the face value of the ticket blocks lost was in fact withheld from out of the terminal benefits of the petitioner. As per the judgments of this Court referred to earlier, the Corporation is not entitled to recover the face value of the tickets lost, but it can only recover the cost of the paper and the printing charges.

Under the above circumstances, the impugned order is set aside and the respondents are directed to ascertain the value of the paper and the tray; and deduct the same from out of the withheld amount. The balance amount is directed to be paid back to the petitioner with interest at the rate of 6% per annum within a period of two weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.”

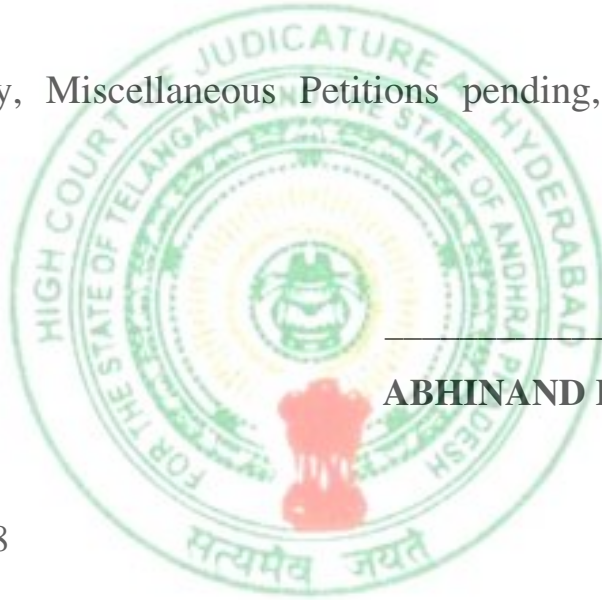
The learned standing counsel, appearing for the respondent, has contended that because of the inaction of the petitioner in not properly accounting the tickets, the respondent-Corporation has suffered loss and the authorities of the Corporation have rightly passed the impugned orders and no interference is called for.

This Court, having considered the rival submissions made by the parties, is of the considered view that since the issue raised in this writ petition is squarely covered by the orders passed in W.P.No.18675 of 2005, dated 24.08.2005, this Writ Petition can also be disposed of in terms thereof.

Accordingly, the Writ Petition is disposed of setting aside the impugned orders of the respondent and the respondent is directed to ascertain the value of the paper cost and printing charges of tickets and tray and deduct the said value from Rs.6,590-50 Ps., which was already recovered from the petitioner and pay back the balance amount to the petitioner with interest at the rate of 6% per annum, within a period of four weeks from the date of receipt of a copy of this order.

With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, Miscellaneous Petitions pending, if any, shall stand closed.



ABHINAND KUMAR SHAVILI, J

11th December, 2018

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