THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.18018 of 2004

ORDER :

This writ petition is filed seeking a writ of certiorari calling for the records relating to the proceedings No.01/535(6)/99-02, dated 12.12.2001 on the file of the third respondent and to quash the same as illegal, arbitrary and further direct the respondents to release the amount of Rs.43,658/- with 12% interest.

2. Heard Sri P.Govindarajulu, learned counsel for the petitioner and Sri A.Rama Rao, learned standing counsel for the respondents.

3. It has been contended by the petitioner that he was initially appointed as a Depot Clerk (E) and while he was discharging his duties at Kurnool-II Depot, the respondents had issued a charge sheet on 20.11.2000 alleging that he has failed to keep proper account of Ticket tray No.059 of KNL-II depot during his tenure as Depot Clerk and consequently, the respondents-Corporation had suffered a loss of Rs.43,658/-. In pursuance of the said charge sheet, the petitioner had submitted an explanation denying the said charge and having not satisfied with the said explanation, the respondents had issued a show-cause notice on 18.08.2001 asking the petitioner to explain as to why an amount of Rs.43,658/- should not be recovered from him. Eventually, the respondents had issued proceedings dated 12.12.2001, whereunder an amount of Rs.43,658/- was sought to be recovered from the petitioner at the rate of Rs.1,000/- per month. It has been contended by the petitioner that since the allegation against the petitioner is that he has failed to keep proper account of Ticket tray No.059 during his

tenure as Depot Clerk and thereby caused loss of Rs.43,658/-, the respondents ought to have calculated and collected only the cost of the paper and the printing charges of the tickets but not entitled to recover the face value of the tickets, because the respondents-Corporation has actually, suffered only in the form of paper cost and printing charges of the tickets. But however, the respondents-Corporation has recovered the entire amount of face value of tickets as if the Corporation has suffered loss of entire face value amount of the tickets. The counsel for the petitioner further 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."

4. The learned standing counsel appearing for the respondents has contended that because of the inaction of the petitioner in not properly accounting the tickets, the respondents-Corporation has

suffered loss and the authorities of the Corporation has rightly passed the impugned orders and no interference is called for.

5. This Court having considered the rival submissions, 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.

6. Accordingly, the Writ Petition is disposed of setting aside the impugned orders of the third respondent and the respondents are directed to ascertain the value of the paper cost and printing charges of tickets and tray and deduct the said value from Rs.43,658/-, 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.

7. 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

05th SEPTEMBER 2018

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