

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.25499 OF 2018

DATED :21.08.2018

Between :

K. Manohari D/o.Prabhakar,
Aged about 59 yrs, Women Sub Inspector,
Central Crime Station, Detective Department,
Nampally, Hyderabad.

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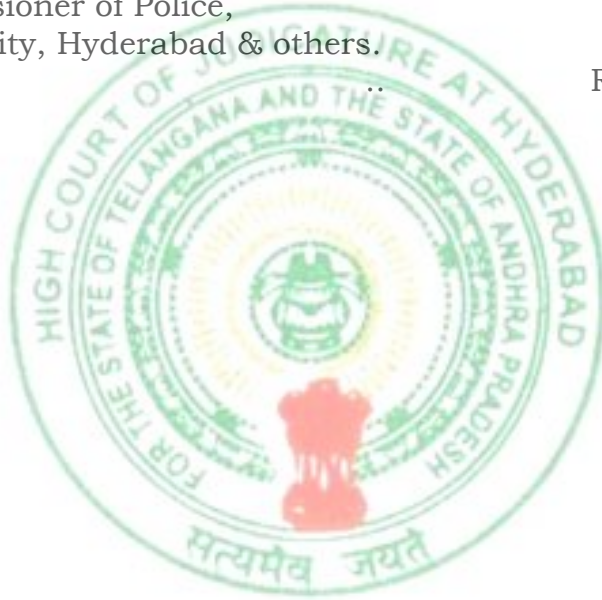
Petitioner

And

The Commissioner of Police,
Hyderabad City, Hyderabad & others.

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Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner and Assistant Government Pleader for Services-I for learned Government Pleader for Home.

2. It now emerges from the submission made by learned counsels that there is no dispute regarding Date of Birth recorded in the service record and as per the service record, the date of birth is shown as 08.03.1959 and accordingly, petitioner was to retire from service on 31.03.2017. But petitioner continued in service till end of 18.12.2017 on which date the order of retirement was passed.

3. Learned counsel for the petitioner submits that there is no grievance against the said order of retirement. However, while holding the petitioner to retire from service retrospectively from 31.03.2017, direction was issued to Junior Accounts Officer, Accounts Branch to recover the pay and allowances received by the petitioner from April, 2017 till the date of order.

4. It is not in dispute that petitioner rendered service from April, 2017 to 18.12.2017. Thus, for the working period the salary and allowances paid cannot be recovered merely on the ground that erroneously petitioner was continued in service even after retirement. Thus, the order to that extent added to the footnote against column No.4 is held to be illegal and directions are issued not to recover the pay and allowances already paid to the petitioner for the period from April, 2017 to 18.12.2017 and without

recovering the amount, the pensionary benefits shall be determined and paid as per the last pay drawn as on 31.03.2017.

5. With the above directions, the Writ Petition is allowed.
Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

21st August, 2018
Rds

