

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.9302 OF 2005

ORDER

This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the 4th respondent in issuing the proceedings dated 12.3.2005 to deduct an amount of Rs.1,68,159/- at the rate of Rs.3,659/- per month from the salary of the petitioner as illegal and arbitrary and consequently to set aside the said proceedings dated 12.3.2005.

Heard Sri K.Ramakanth Reddy, learned counsel appearing for the petitioner, learned Government Pleader for Home appearing for respondents 2 to 4 and Sri G.S.Sanghi, learned counsel appearing for the 1st respondent.

It is the case of the petitioner that while working as Driver in the Railways, the car, which he had driven, indulged in an accident, in which the 1st respondent has suffered injuries. Hence, the 1st respondent filed M.O.P.No.1074 of 2001 before the Motor Accidents Claims Tribunal-cum-I Additional District Judge, Visakhapatnam claiming compensation, against the petitioner and respondents 2 and 3 herein. The Tribunal *vide* order dated 9.1.2004 directed the petitioner and respondents 2 and 3 herein jointly and severally

to pay a sum of Rs.1,25,000/- with interest at 9% p.a. simple from the date of petition till the date of realization. In addition to the said compensation, an amount of Rs.1909/- was directed to be paid towards costs of the petition. Aggrieved by the same, 2nd and 3rd respondents herein had preferred CMA No.3188 of 2004 before this Court and this Court granted stay of the order passed by the Tribunal in M.O.P.No.1074 of 2001.

It has been brought to the notice of this Court that the said CMA No.3188 of 2004 was dismissed by this Court on 3.1.2014.

However, learned counsel appearing for the petitioner contends that the petitioner is not liable to pay the said compensation as he was driving the official car of the respondent-railways and at best, the Railways are liable to pay the compensation, but not the petitioner.

I have considered the rival submissions made by the learned counsel appearing for the parties.

When the orders passed by the Tribunal have been confirmed in CMA, the cause in the present writ petition does not survive for adjudication.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

2nd February, 2018
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