

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 22614 of 2003

ORDER:

This Writ Petition is filed challenging the action of the Respondents in recovering an amount of Rs.8,211.60 paise vide proceedings dated 09.05.2003, which was confirmed by the 2nd Respondent vide proceedings dated 21.08.2003, and seeking consequential direction not to recover the amount from the petitioner.

It has been contended by the petitioner that he was appointed as a mechanic and he has been discharging his duties to the satisfaction of his superiors and the Respondents have issued a charge memo alleging that the petitioner is responsible for the loss of Alternator and the Respondents after conducting enquiry, has imposed a punishment of recovery of Rs.8,211.60 paise vide proceedings dated 09.05.2003 and there afterwards, the Appellate Authority has also confirmed the same vide proceedings dated 21.08.2003.

The learned counsel for the petitioner submits that this Court was pleased to grant stay of recovery from the salary of the petitioner vide orders dated 27.10.2003, and contends that appropriate orders be passed directing the Respondents not to recover the amount from the petitioner.

The Standing Counsel appearing for the Respondents contends that disciplinary action has been initiated against the Petitioner for alleged loss of Alternator and after conducting enquiry, the Disciplinary Authority has

imposed punishment of recovery which is one of the stipulated punishments within the regulations, and no grave irregularity or illegality was committed by the Respondents in imposing the punishment.

There are no merits in the Writ Petition and the Writ Petition is liable to be dismissed.

This Court having considered the rival submissions made by the parties, is of the considered view that this Writ Petition can be disposed of directing the petitioner to submit a representation to the Respondents not to recover the amount from the petitioner, within two weeks, and upon such representation being received, the Respondent shall consider and pass appropriate orders in accordance with law.

With these observations, the Writ Petition is disposed of. Consequently, miscellaneous petitions, if any, pending in the writ petition, shall stand closed. No order as to costs.

26th December, 2018
ysk

ABHINAND KUMAR SHAVILI, J

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No.22614 of 2003

26th December, 2018

ysk