

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.20557 of 2015

ORDER :

1. This writ petition is filed seeking to issue a writ of Mandamus declaring that the action of the respondents in imposing the punishment of recovery of an amount of Rs.18,732/- from the petitioner in connection with losing of Tickets, Tray along with Ticket Box, as illegal and arbitrary by setting aside the office order dated 12.6.2015 of the 3rd respondent, and consequently, to direct the respondents not to recover any amounts, if recovered, to direct to repay the amounts to the petitioner.

2. Heard Sri P. Venkateshwer Rao, learned counsel for the petitioner and Sri B. Mayur Reddy, learned Standing counsel for the respondent-Corporation.

3. It has been contended by the petitioner that he was appointed as Casual Conductor on 7.10.1993 and his services were regularized on 9.7.1993 and while he was discharging his duties on 3.12.2013 on route MBNR-TNDR in the second trip, he lost his ticket tray along with tray box, and in that connection, the respondents issued a charge sheet on 23.3.2015, for which he submitted his explanation denying the charge, but having not satisfied with the said explanation, the respondents issued an office order dated 12.6.2015 ordering for

recovery of Rs.18,732/- (Rs.18,682/- towards value of tickets + Rs.50/- towards printing and stationary cost) from the petitioner. Aggrieved by the same, the present writ petition is filed.

4. The learned Counsel for the petitioner contended that since the allegation against the petitioner is that due to his negligence he lost the tickets worth Rs.18,682/- and thereby caused loss of Rs.18,732/-, the respondents ought to have calculated and collected only the cost of paper and the printing charges of the tickets but they are not entitled to recover the face value of the tickets, because the respondent-Corporation has actually, suffered only in the form of paper cost and printing charges of the tickets, but however, the respondent-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 learned Counsel for the petitioner further contended that similar issue fell for consideration before this Court in W.P.No.18675 of 2005 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.”

5. The learned Standing Counsel appearing for the respondents has contended that because of the inaction of the petitioner in not properly dealing with the tickets, the respondent-Corporation has suffered loss and the authorities of the Corporation has rightly passed the impugned orders and no interference is called for.

6. 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.

7. Accordingly, the Writ Petition is disposed of setting aside the impugned orders of the 3rd 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.18,732/-, which was already recovered from the petitioner, and pay back the balance amount to the petitioner, within a period of four weeks from the date of receipt of a copy

of this order. There shall be no order as to costs. Consequently,
Miscellaneous Petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Dated: 30.11.2018
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THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.20557 of 2015
(disposed of)

30.11.2015

Nn

