

HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

Writ Petition No.1639 of 2010

Order:

This Writ Petition is filed to declare the action of the respondents in withholding and deducting 0.25% of the gross bill amounts payable to the petitioners towards N.A.C. by referring to G.O.Ms.No.98, I & CAD Department, dated 05.07.2000, G.O.Ms.No.61, TR & B Department, dated 11.04.2000 and G.O.Ms.No.159, TR & B Department, dated 30.10.2004, as illegal and arbitrary.

When the matter is taken up for hearing, it is submitted by the learned counsel for the petitioners and conceded by the learned Assistant Government Pleader for Roads and Buildings that the issue raised in the present writ petition, namely, validity of the proposed deduction for the purpose of National Academy of Construction, is no longer *res integra* in view of a spate of orders passed by this Court in a number of writ petitions, some of which are order dated 19.07.2005 in WP No.23750 of 2000 and batch, order dated 18.03.2008 in WP No.1631 of 2008, order dated 26.08.2008 in WP No.21120 of 2008 and batch and order dated 26.09.2008 in WP Nos.21121 and 21122 of 2008, which orders were confirmed by the Division Bench of this Court in W.A.No.279 of 2009 and batch dated 28.06.2011.

Therefore, following the settled legal position, this writ petition is also allowed and the respondents are directed to refund the amount to the petitioners already deducted and not to recover any amount towards the National Academy of Construction in pursuance of the impugned G.Os

from the future bills payable to the petitioners. There shall be no order as to costs. As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Date: 28.11.2018
Nsr



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