

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.6954 OF 2006

ORDER

This writ petition is filed seeking for the following relief:

“.... to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in issuing proceedings No.M1/612(4)2001-MHBD, dated 20-11-2003 is wholly illegal, arbitrary and unjust and consequently set aside the proceedings No.M1/612(4)2001-MHBD, dated 20-11-2003 issued by the 3rd respondent and pass such further other order or orders as this Hon'ble Court deem fit and proper under the circumstances of the case.”

Heard Sri G.Ravi Mohan, learned counsel appearing for the petitioner, and Sri B.Mayur Reddy, learned Standing Counsel appearing for the respondent-Corporation.

It is the case of the petitioner that he was appointed as Conductor in the respondent-Corporation in the year 1971 and he was discharging his duties as such. While conducting the bus on 13-06-2001 on route Kaleshwaram night service, he lost his ticket blocks worth of Rs.7,720/-. Immediately, he informed the same to all the depots. Based on the same, the Depot Clerk of the 2nd respondent gave report to the 3rd respondent. This incident was construed as a misconduct, the 3rd respondent-Depot Manager, issued a show cause notice to the petitioner on 22.5.2003, for which, he submitted his explanation. But, without considering the same, the 3rd

respondent passed the impugned order on 20-11-2003 recovering an amount of Rs.7,720/- from the salary of the petitioner in twenty installments. Challenging the same, the petitioner preferred an appeal before the appellate authority. But, so far, no orders have been passed thereon.

Learned counsel appearing for the petitioner submits that without conducting any enquiry, the 3rd respondent passed the impugned order recovering an amount of Rs.7,720/- from the salary of the petitioner, which is contrary to the judgment of the Apex Court in *Kulwanth Singh Gill v. State of Punjab*¹. He further submits that as per the provisions contained in the Operation Manual of RTC, cost of printing charges can be recovered.

Learned Standing Counsel appearing for the respondent-Corporation contends that the 3rd respondent rightly passed the impugned order and hence, no interference is called for by this Court.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that in view of the judgment of the Apex Court in *Kulwanth Singh Gill v. State of Punjab* and the provisions contained in the RTC Manual, the impugned order passed by the 3rd respondent is liable to be set aside.

¹ 1991 Suppl (1) SCC 504

Accordingly, the impugned order dated 20-11-2003 passed by the 3rd respondent is set aside and the Writ Petition is allowed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

25th January, 2019
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