

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
HON'BLE SRI JUSTICE PULLA KARTHIK**

W.P.No.29363 OF 2010

ORDER: *(Per Hon'ble Sri Justice Abhinand Kumar Shavili)*

Aggrieved by the order dated 11.08.2009 passed in O.A.No.8229 of 2005 by the Andhra Pradesh Administrative Tribunal, Hyderabad, the present writ petition has been filed.

Heard learned Government Pleader for Services-II appearing for the petitioners and Sri P.V.Ramana, learned counsel appearing for the 1st respondent.

It is the case of the petitioners that the petitioners have cancelled the earlier fixation done in favour of the 1st respondent and sought recovery from the 1st respondent. Aggrieved by the said action, the 1st respondent has approached the Andhra Pradesh Administrative Tribunal, Hyderabad and the Tribunal *vide* order dated 11.08.2009 allowed the said O.A. Hence, the present writ petition.

Learned Government Pleader appearing for the petitioners had contended that appropriate orders be passed in the writ petition by setting aside the order passed by the Tribunal.

Learned counsel appearing for the 1st respondent had contended that the order passed by the Tribunal needs no interference by this Court.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that admittedly, the petitioners were tried to recover the amount from the 1st respondent after his retirement. The Apex Court in *State of Punjab & others vs. Rafiq Masih (White Washer) & others*¹, has held that no amounts can be recovered from the retired employees. Therefore, the Tribunal was justified in allowing the O.A in favour of the 1st respondent.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

JUSTICE PULLA KARTHIK

Date: 06.09.2022

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¹ 2015(4) SCC 334

