

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**MONDAY, THE THIRD DAY OF JULY
TWO THOUSAND AND TWENTY THREE**

PRESENT

**THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

WRIT PETITION NO: 35250 OF 2013

Between:

1. The Government of Andhra Pradesh, rep. by its Principal Secretary to Government, MA and UD Department, Secretariat, Hyderabad.
2. The Commissioner and Director of Municipal Administration, A.P., Hyderabad.
3. The Engineer-in Chief, Public Health Department, Government of Andhra Pradesh, AC Guards, Hyderabad.

...PETITIONERS

AND

1. Smt. Julakanti Laxmi, W/o Late J. Sivarama Reddy, Occ House Hold, R/o H.No.1-10-28-38, Nagarjunanagar Colony, Khusaiguda Village, Keesara Mandal, Ranga Reddy District
2. Kum. Julakanti Renuka, D/o Late J. Sivarama Reddy, Occ Student, R/o H.No 1-10-28-38, NagaRjunanagar Colony, Khusaiguda Village, Keesara Mandal, Ranga Reddy District
3. Julakanti Raghuram Reddy, D/o Late J. Sivarama Reddy, Occ Student, R/o H.No. 1-10-28-38, Nagarjunanagar Colony, Khusaiguda Village, Keesara Mandal, Ranga Reddy District
4. The Municipal Commissioner, Markapuram Municipality, Markapuram, Prakasam District
5. The APAT, represented by its Registrar, Purani Haveli, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Certiorari calling for the records relating to the orders of the Hon'ble A.P. Administration Tribunal, Hyderabad passed in O.A.No.8249/2011 Dated- 22-04-2013 and quash or set aside the same by holding it as erroneous and contrary to law.

I.A. NO: 1 OF 2013(WPMP. NO: 43813 OF 2013)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the orders of the A.P. Administrative Tribunal passed in O.A. No.8249/2011 Dated: 22-04-2013.

Counsel for the Petitioner : GP FOR SERVICES-I

Counsel for the Respondents: None appeared

The Court made the following: ORDER

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HON'BLE SRI JUSTICE J. SREENIVAS RAO**

WRIT PETITION No.35250 OF 2013

ORDER: (Per AKS,J)

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners aggrieved by the order, dated 22.04.2013, passed in O.A.No.8249 of 2011 by the Andhra Pradesh Administrative Tribunal, Hyderabad (for short, 'the Tribunal').

2. Heard the learned Government Pleader for Services-III appearing for the petitioners.

3. Learned Government Pleader appearing for the petitioners had contended that one J. Sivarami Reddy, who is the husband of respondent No.1 and father of respondent Nos.2 and 3, while working as Municipal Assistant Engineer (full additional charge to the post of Commissioner, Markapur Municipality), has indulged in misappropriation of an amount of Rs.1.36 crores and therefore, he was placed under suspension with effect from 27.12.2004, and charges were framed against him *vide* G.O.Rt.No.655, dated 14.06.2006. Later, the case was entrusted to the Commissioner of Inquiries and a criminal case *vide* C.C.No.152 of 2006 on the file of

Additional Judicial Magistrate of First Class, Markapur, was also registered against the said employee. Though the said employee was acquitted in the said criminal case *vide* judgment, dated 28.06.2007, as the charges levelled against him were held to be proved in the enquiry, the petitioners passed an order *vide* G.O.Rt.No.1366, dated 15.10.2012, for recovering an amount of Rs.3,30,000/- from the terminal benefits of the said employee, as admittedly, even before the disciplinary proceedings could be concluded, the said employee expired on 14.01.2011. Aggrieved by the same, the respondent Nos.1 to 3, who are the legal heirs of the deceased employee, approached the Tribunal by filing the subject O.A.No.8249 of 2011 and the Tribunal *vide* impugned order, dated 22.04.2013, was pleased to allow the subject O.A. and set aside the order of recovery and directed the petitioners to release the retirement benefits of the deceased employee in favour of the respondent No.1, who is the wife of the deceased employee, without appreciating any of the contentions raised by the petitioners. Therefore, appropriate orders be passed in the Writ Petition by setting aside the impugned order, dated 22.04.2013, and allow the Writ Petition.

4. This Court, having considered the said submissions, is of the view that when the said employee i.e., J. Sivarami Reddy, has

expired on 14.01.2011, even before the disciplinary proceedings could be concluded, it would mean that the disciplinary proceedings initiated against the said employee stand abated. Therefore, when the employee has expired, the petitioners ought not to have passed an order for recovery of an amount of Rs.3,30,000/- from the terminal benefits of the said employee. Therefore, the Tribunal was justified in allowing the subject O.A. in favour of the respondent Nos.1 to 3. Hence, this Court is not inclined to interfere with the impugned order passed by the Tribunal.

5. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed.

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SD/- G. SIREESHA
ASSISTANT REGISTRAR

SECTION OFFICER

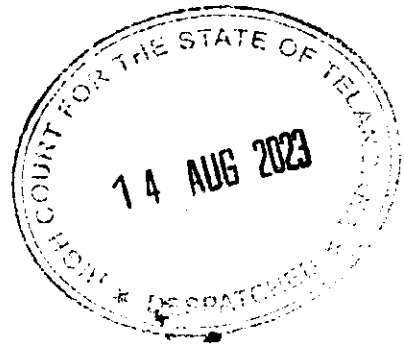
To,
1. One CC to GP FOR SERVICES-I, Advocate. [OPUC]
2. Two CD Copies.
BSK
GJP

HIGH COURT

DATED:03/07/2023

ORDER

WP.No.35250 of 2013



**DISMISSING THE WRIT PETITION
WITHOUT COSTS**

BS
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2/8/23
