

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

**FRIDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE JUSTICE MOUSHUMI BHATTACHARYA

WRIT PETITION NO: 23890 OF 2024

Between:

B. Bhagya, W/o B.Bala Kotaiah, aged about 44 years, Occ. House Wife, R/o H.No.2-192/1, Plot No-80, Vani Nagar, Malkajgiri, Medchal Malkajgiri District Alternative Address. Flat Nos.504 and 506, Balaji Arcade, Indirangar, Tilaknagar, Hyderabad-44.

.....PETITIONER

AND

1. The South Central Railway, rep through its I.G and Principal Security Commissioner, Security Department, Railnilayam, Secunderabad.
2. The Salary Drawing Disbursing Officer, Railway Protection Force, South Central Railway, Mettuguda, Secunderabad.
3. B.Bala Kotaiah, S/o Mandaiah, aged 54 years, Occ. Service ASI, Railway Protection Force, Rio Quarter No.870/18, Railway Quarters, Mettuguda, Secunderabad.

.....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 writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st and 2nd Respondents in not deducting the arrears of maintenance and regular monthly Maintenance from the salary of the 3rd Respondent pursuant to the orders of the XVI Additional District and Sessions Judge- Cum- III Additional Family court, Ranga Reddy at Malkajgiri in Crl.M.P.No.18/2020 in M.C.No.175/2010 paying to the petitioner as illegal, arbitrary, unjust, unreasonable and contrary to law, opposed to public policy and unconstitutional and consequently direct the respondents 1 and 2 to deduct the

the amount of Rs.6,52,000/- (arrears of maintenance) and regular maintenance from the salary of the 3rd respondent pursuant to the orders passed in CrI.M.P.No.18/2020 in M.C.No.175/2010 on the file of XVI Additional District and Sessions Judge- Cum-III Additional Family Court, Ranga Reddy at Malkajgiri pay the same to the petitioner immediately in the interest of justice.

I.A.NO:1 OF 2024

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 direct the respondents 1 and 2 to deduct the the amount of Rs.6,52,000/- (arrears of maintenance)including regular maintenance pursuant to the orders passed in CrI.M.P.No.18/2020 in M.C.No.175/2010 on the file of XVI Additional District and Sessions Judge- Cum- III Additional Family court, Ranga Reddy at Malkajgiri and pay the same to the petitioner forthwith in the interest of justice pending disposal of the above writ petition.

Counsel for the Petitioner : SRI D.RAMAKRISHNA

Counsel for the Respondent Nos.1 & 2 : SRI GADI PRAVEEN KUMAR, DEPUTY SOLICITOR GENERAL OF INDIA

Counsel for the Respondent No.3 : --

The Court made the following ORDER

THE HON'BLE JUSTICE MOUSHUMI BHATTACHARYA

WRIT PETITION NO.23890 OF 2024

Sri M. Arun Kumar, learned counsel representing Mr. D. Ramakrishna, learned counsel for the petitioner.

Mr. GRS Akhileswar, learned counsel representing Sri Gadi Praveen Kumar, learned Dy. Solicitor General of India, for the respondent Nos.1 and 2.

ORDER:

The petitioner prays for a direction on the respondent Nos.1 and 2 to deduct the arrears of maintenance from the salary of the respondent No.3 pursuant to the order dated 01.10.2020 passed by the XVI Additional District and Sessions Judge-cum-III Additional Family Court, Ranga Reddy District at Malkajgiri.

2. The order dated 01.10.2020 is part of records.
3. Learned counsel appearing for the respondent Nos.1 and 2 hands up a statement giving particulars of the amounts recovered from the respondent No.3.
4. Counsel submits that the respondent No.3 has not worked in the months of February, March and April 2024 and again in the months of July and August 2024 and that an amount of Rs.1,60,000/- has already been recovered from the respondent No.3. Counsel submits that an amount of Rs.3,20,000/- remains to be recovered. Counsel further submits that the respondent Nos.1 and 2 will recover this amount from the salary of the

respondent No.3 for the period during which the respondent No.3 works for the respondent Nos.1 and 2.

5. Considering the submissions made on behalf of the parties, W.P.No.23890 of 2024, along with all connected applications, is accordingly disposed of by directing the respondent Nos.1 and 2 to recover the amounts from the salary of the respondent No.3 pursuant to the order dated 01.10.2020 passed by the XVI Additional District and Sessions Judge-cum-III Additional Family Court, Ranga Reddy District at Malkajgiri.

6. The balance amount shall be recovered in the same manner as has been done for the recovered amount and without any delay.

7. The petitioner will be at liberty to take further steps in the event the respondents fail to comply with the order of the Court.

Interim order, if any, shall stand vacated. There shall be no order as to costs.

**SD/- L. LAKSHMI BABU
ASSISTANT REGISTRAR**

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SECTION OFFICER

To

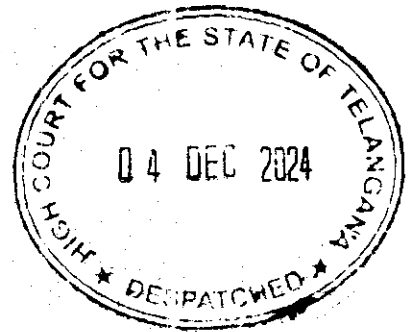
1. The I.G. and Principal Security Commissioner, South Central Railway, Security Department, Railnilayam, Secunderabad.
2. The Salary Drawing Disbursing Officer, Railway Protection Force, South Central Railway, Mettuguda, Secunderabad.
3. One CC to SRI D.RAMAKRISHNA, Advocate [OPUC]
4. One CC to SRI GADI PRAVEEN KUMAR, DEPUTY SOLICITOR GENERAL OF INDIA Advocate [OPUC]
5. Two CD Copies

**SA
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K.P.

HIGH COURT

DATED:25/10/2024



ORDER

WP.No.23890 of 2024

**DISPOSING OF THE W.P
WITHOUT COSTS.**

7 Copies
lsl
13/11/24.