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

MONDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE P.SAM KOSHY
AND
THE HONOURABLE SRI JUSTICE SUDDALA CHALAPATHI RAO

WRIT PETITION NO: 15281 OF 2010

Between:

1. The Govt. of A.P. rep. by its Secretary, I & CAD Dept. Secretariat Buildings, Hyderabad.
2. The Engineer-in-Chief, I&CAD Dept., A.P., Errumanzil, Hyderabad
3. The Asst. Pay & Accounts officer, Sriram Sagar Projects, Irrigation Wing, L.M.D.Colony, Karimnagar District
4. The Executive Engineer, I&CAD Dept., Divn.IV, Yellampally Barrage Project circle (YMPC) Manchirial, Adilabad.
5. The Director of Accounts, Sriramsagar Project, LMD Colony, Karimnagar District.

...PETITIONERS

AND

1. M.Laxmaiah, Working as Superintendent, Division No.IV, Yellampally Barriage Project Circle (YBPC) Manchiryal, Adilabad District
2. Andhra Pradesh Administrative Tribunal, Purani Haveli, Hyderabad, rep.by its Registrar.

...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 A.P. Admn. Tribunal, Hyderabad passed in OA.No.11272/2002 dated 11.4.2008 as being erroneous illegal, and unreasonable and quash the same.

I.A. NO: 1 OF 2010(WPMP. NO: 19244 OF 2010)

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 orders of the A.P. Administrative Tribunal, Hyderabad passed in OA.No.11272/2002 dated 11.4.2008 pending disposal of the writ petition.

Counsel for the Petitioners: SRI R.SHEETAL KUMAR, GP FOR SERVICES-I

Counsel for the Respondent No.1: SRI K.VASUDEVA REDDY

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE P.SAM KOSHY
AND
THE HONOURABLE SRI JUSTICE SUDDALA CHALAPATHI RAO

W.P.No.15281 OF 2010

08.12.2025

Between:

The Government of A.P.,
Rep. by its Secretary, I & CAD Department,
Secretariat Buildings, Hyderabad and
4 others

...Petitioners

A N D

M.Laxmaiah and another

...Respondents

ORDER: *(per Hon'ble Sri Justice P.Sam Koshy)*

Heard Mr. R.Sheetal Kumar, learned Government Pleader for Services I appearing for the petitioners.

2. The instant is a writ petition which has been filed by the State Government assailing the order passed by the Andhra Pradesh Administrative Tribunal, Hyderabad in O.A.No.11272 of 2002 dated 11.04.2008.

3. Vide the impugned order, the Tribunal while allowing the Original Application set aside the impugned order passed by respondent No.4 therein. The impugned order was so far as the recovery of stagnation increment is concerned, which, according to the State Government, was allegedly granted to the respondent employee.

4. The order of the Tribunal would go to show that the impugned orders were passed without affording a personal hearing to the petitioners. Down the line, this Bench is of the considered view that the aforesaid issue no longer *res integra* as the Hon'ble Supreme Court in the case of **STATE OF PUNJAB vs. RAFIQ MASIH (WHITE WASHER)**[1] has already in paragraph 18 laid down certain conditions under which the recovery has been held to be impermissible under law. We are clearly of the view that the case of the respondent employee in the instant case squarely falls under the conditions so stipulated by the Hon'ble Supreme Court in the case of ***Rafiq Masih (White Washer)*** (supra).

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[1] AIR 2015 SC 696

5. The writ petition preferred by the State Government, therefore, would have no merits in terms of the decision rendered by the Hon'ble Supreme Court in the case of ***Rafiq Masih (White Washer)*** (supra).

6. The writ petition fails and is, accordingly, dismissed. The order of the Tribunal is affirmed. There shall be no order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

SD/-P.C. SULEKHA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI K.VASUDEVA REDDY, Advocate [OPUC]
2. Two CCs to GP FOR SERVICES-I, High Court for the State of Telangana at Hyderabad [OUT]
3. Two CD Copies

BSR

LS

HIGH COURT

DATED: 08/12/2025



ORDER

WP.No.15281 of 2010

DISMISSING THE WRIT PETITION,

WITHOUT COSTS

(6)

kpr

17/12/25