

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.29468 of 1997

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Dated 06-03-2007

Between:

V.Rammohan.

..... PETITIONER

AND

The Depot Manager, APSRTC, Karimnagar, II Depot, Karimnagar.

.....RESPONDENT

**THE HON'BLE MR JUSTICE RAMESH RANGANATHAN**

**WRIT PETITION No.29468 of 1997**

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**ORDER:**

Heard Sri K.Ananth Rao, learned counsel for the petitioner and Smt P.Rajini Reddy, learned standing counsel for the respondent-Corporation. However, no counter affidavit is filed on behalf of the respondent-Corporation.

It is the case of the petitioner that on 30-08-1993 after finishing his duty, he had handed over the cash and the remaining tickets along with the box to the person on duty under proper acknowledgment and had gone away. Later, when he came back to duty after availing the off period, he found certain bundles of tickets missing and brought to the notice of the authorities immediately. The petitioner states that he was given another tray of tickets and was asked to proceed on duty and he was informed that the reason for missing the bundles would be verified and appropriate action would be taken. In the month of October, 1993 the petitioner was issued the charge memo alleging that since he had lost various denominations of Rs.9,683.50ps, he should show cause why action should not be taken against him. The petitioner gave a detailed reply thereto stating that he had handed over the ticket bundles and cash after duty to the concerned depot clerk who had verified the same and when he came back to duty two days later, the bundles were found missing for which he gave a complaint to the depot authorities. After reply was submitted by the petitioner to the charge memo, without passing any orders or conducting any enquiry in this regard, respondents started resorting to recovery of Rs.200/- p.m. from the salary of the petitioner. Aggrieved thereby,

the present writ petition.

This Court, in WPMP.No.34396 of 1997 dated 19-12-1997, passed an interim order directing the respondents not to make any recovery from the salary of the petitioner, pending disposal of the writ petition.

In the absence of any counter affidavit, the averments made in the affidavit filed in support of the writ petition must be accepted and since it is the specific case of the petitioner that, despite having submitted his explanation to the charge memo, no final orders were passed nor was any enquiry held, the action of the respondents in seeking to recover the amount, which represents the missing tickets of Rs.9,683.50ps, at Rs.200/- p.m. from the salary of the petitioner is without authority of law and is clearly illegal. While it is always open to the respondent-Corporation to take disciplinary action against the petitioner, including recovery of the amount, their action in seeking to recover the amount without recording a finding that the petitioner was responsible for the loss of the missing tickets is clearly illegal.

Ends of justice would be met if the interim order in the writ petition is made the final order leaving it open to the respondent-Corporation, if they so chose, to take action against the petitioner, or any person responsible for missing of the tickets, in accordance with law. The Writ Petition is accordingly allowed. No order as to costs.

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06-03-2007

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