

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION No :1160 of 2005

DATED 31-03-2010

Between:

M.S.S.Reddy.

... PETITIONER

And

The APSRTC.,
Rep.by its Regional Manager,
Superintendent of Police,
Kadapa & 2 others.

...

RESPONDENTS

ORDER:

This Writ Petition is filed seeking a mandamus declaring the action of the respondents in imposing the punishment of recovery of Rs.42,673/- vide proceedings No.M1/807(3)/2001-Kadapa, dated 05-09-2003, which was confirmed by the appellate authority vide proceedings dated 10-10-2004 and modified by the Review authority vide proceedings No.PA/208(132)/04-RM-C, Kadapa, dated 31-12-2004 as arbitrary and illegal.

2. It appears, while the petitioner was working as Depot clerk in-charge of Tools & Plants at Kadapa depot, in the audit for the year 1997-98, it was found that there was shortage of certain items in Tools & Plants, worth Rs.1,46,094-10ps. It is evident from the record that the petitioner failed to hand over Tools & Plants account of the depot and his whereabouts were not known and the Tools & Plant items were found short. In fact, the petitioner was advised to hand over the items to one K.Manohar, but he did not do so.

3. According to the management, it is the primary duty of the D.C. (T & P) to maintain proper record of Tools & Plants and to hand over the items to his reliever while getting himself relieved. However, this was not done by the petitioner. Further, the Depot Manager, Kadapa addressed letters to the petitioner advising him to hand over the Tools & Plant items to K.Manohar but the petitioner failed to hand over the same to him. Therefore, the management has fixed the responsibility for the loss of the said items on the petitioner as well as other staff working therein and

fixed the liability of the petitioner at Rs.64,014/-. However, though the matter was confirmed in the appeal, in the review the said order was modified fixing the liability at Rs.42,673/- on the petitioner and another Rs.42,693/- on the other person who was in-charge of the section. Aggrieved thereby the present Writ Petition is filed.

4. With regard to the loss caused to the department and who was responsible for the same, an enquiry was conducted and responsibility was fixed. I am of the opinion that the respondents have not committed any error calling for interference under Article 226 of the Constitution of India, and no interference can be made by this Court. There is no infirmity either in law or on facts that falls for consideration. This is purely a question of fact. Therefore, the Writ Petition is devoid of merits and is liable to be dismissed.

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

C.V.RAMULU,J

31st March, 2010.
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