

**HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD**

**(Special Original Jurisdiction)**

**WEDNESDAY, THE THIRTIETH DAY OF SEPTEMBER  
TWO THOUSAND AND TWENTY**

**PRESENT**

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION NO: 17081 OF 2020**

**Between:**

K. Balaraju, S/o. late K. Yadagiri, Aged about 50 years, Occ. A.D.C. E. No. 270092,  
R/o. 4-245, Ghatkesar, Medchal-Malkajgiri District.

**AND**

**...PETITIONER**

1. TSRTC, Rep. by its Managing Director, Bus Bhavan, RTC X Road, Hyderabad.
2. The Regional Manager, TSRTC, Hyderabad Region, M.G.B.S., Hyderabad
3. The Accounts Officer, O/o. Regional Manager, TSRTC, Hyderabad Region,  
M.G.B.S., Hyderabad
4. The Depot Manager, TSRTC, Bus Depot, Uppal, Hyderabad
5. The Depot Manager, TSRTC, Bus Depot, Medchal, 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 an appropriate writ or direction particularly one in the nature of WRIT OF MANDAMUS, declaring the impugned Proc. No. P2/369(2)/2020-UPL, dated 15/09/2020 served on 22/09/2020 as illegal, capricious, arbitrary, discriminatory and in violation of Art. 14, 16, 21 and 300A of the Constitution of India and consequently the petitioner pray this Hon'ble Court may be pleased to direct the respondents to repay the amounts recovered from him in the interest of justice and fair play.

**IA NO: 1 OF 2020**

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 not to recover any amounts from the petitioner by suspending the impugned order No. P2/369(2)/2020-UPL, dated 15/09/2020 pending disposal the above writ petition in the interests of justice and fair play.

**Counsel for the Petitioner: SRI V. NARASIMHA GOUD**

**Counsel for the Respondents: SRI N. VASUDEVA REDDY, SC FOR TSRTC**

**The Court made the following: ORDER**

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION No.17081 OF 2020**

**ORDER:**

This writ petition is being disposed of at the admission stage with the consent of both the parties.

Heard Sri V.Narsimha Goud, learned counsel for the petitioner and the learned Standing counsel for the respondents.

This writ petition is filed seeking the following relief :-

".....WRIT OF MANDAMUS, declaring the impugned Proc.No.P2/369(2)/2020-UPL, dated 15.09.2020 served on 22.09.2020 as illegal, capricious, arbitrary, discriminatory and in violation of Art.14, 16, 21 & 300A of the Constitution of India and consequently the petitioner pray this Hon'ble Court may be pleased to direct the respondents to repay the amounts recovered from him in the interest of justice ....."

It has been contended by the petitioner that he has been working as ADC/Controller with the respondents. While so, the petitioner was issued a show cause notice dt.25.06.2020 for recovery of amount basing on the audit report of the 3<sup>rd</sup> respondent. Pursuant to the said show cause notice, petitioner submitted explanation on 11.08.2020 stating that he was not served with the basic report of the 3<sup>rd</sup> respondent. The grievance of the petitioner is that the respondents without furnishing the document sought by him and without considering his explanation issued punishment proceedings 02/95(10)/2000-MDCL.

Therefore, learned counsel for the petitioner contends that since the respondents have passed impugned recovery order without furnishing the documents requested by the petitioner and

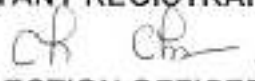
without considering the explanation submitted by the petitioner, the action of the respondents is arbitrary and the impugned order is liable to be set aside.

Learned Standing counsel appearing for the respondents contends that the respondents would furnish the documents requested by the petitioner and thereafter would re-consider the case of the petitioner by duly taking into account the explanation submitted by the petitioner and pass appropriate orders in accordance with law.

Having considered the rival submissions made by the parties, this writ petition is allowed and the impugned recovery order dated 15.09.2020 is set aside giving liberty to the respondents to pass afresh orders after furnishing the necessary documents requested by the petitioner and affording reasonable opportunity to the petitioner. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

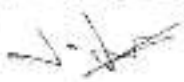
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SD/- K.SAILESHI  
ASSISTANT REGISTRAR  
  
SECTION OFFICER

To,

1. The Managing Director, TSRTC, Bus Bhavan, RTC X Road, Hyderabad.
2. The Regional Manager, TSRTC, Hyderabad Region, M.G.B.S., Hyderabad
3. The Accounts Officer, O/o. Regional Manager, TSRTC, Hyderabad Region, M.G.B.S., Hyderabad
4. The Depot Manager, TSRTC, Bus Depot, Uppal, Hyderabad
5. The Depot Manager, TSRTC, Bus Depot, Medchal, Hyderabad
6. One CC to Sri V. Narasimha Goud, Advocate [OPUC]
7. One CC to Sri N.Vasudeva Reddy, SC for TSRTC, Advocate [OPUC]
8. Two CD Copies

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HIGH COURT

DATED:30/09/2020



ORDER

WP.No.17081 of 2020

ALLOWING THE WP  
WITHOUT COSTS

9 VLV  
17/10/20