

E. Immanuel Vs. Managing Director Apsrtc and ors.

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Court : Andhra Pradesh

Decided On : Jan-22-2003

Reported in : 2003(5)ALD115; 2003(2)ALT128

Judge : S. Ananda Reddy, J.

Appeal No. : WP No. 62 of 2000

Appellant : E. Immanuel

Respondent : Managing Director Apsrtc and ors.

Advocate for Def. : P. Vinayaka Swamy, SC for APSRTC

Advocate for Pet/Ap. : G. Ravi Mohan, Adv.

Disposition : Petition dismissed

Judgement :

ORDER

S. Ananda Reddy, J.

1. This writ petition is filed by the petitioner questioning the proceedings of the 3rd respondent dated 8-11-1999 under which an amount of Rs. 31,613-88 paise is sought to be recovered from the salary of the petitioner in 65 equal instalments.

2. According to the petitioner, he was working as Assistant Depot Clerk from 1974, though he worked earlier to it as Conductor. Thereafter he was promoted as Traffic Inspector Grade-in and further as Grade-II. As on the date of the writ petition, he was working as Assistant Traffic Manager in the Office of the Headquarters of the 2nd respondent. It is stated that the petitioner was entrusted with the duties to get oil from the Indian Oil Corporation and to fill the same in the ground tank and to maintain accounts for the same. The petitioner has to furnish the accounts to the Respondents for every 15 days. In the course of discharging his duties the authorities found that there was a shortage of HSD Oil. Therefore, a regular enquiry was conducted by the Committee, after issuing a show-cause notice and the Committee found that the petitioner was responsible for the said shortage and therefore, the impugned order was passed.

3. The only contention of the petitioner is that the recovery of the said amount is a major punishment and as there was no proper enquiry conducted, as provided under the Regulations, the impugned order is liable to be set aside.

4. A counter has been filed on behalf of the respondents disputing the allegations made by the petitioner. It is stated that when there was a shortage of oil, a Committee was appointed to investigate into the said affair and thereafter based on the report of the said Committee, a show-cause notice was issued to the petitioner, proposing to recover the value of the said shortage of oil. Though the petitioner submitted his explanation, as the said explanation was not satisfactory to the disciplinary authority, it is ordered to recover the said amount being the cost of 2828 litres of HSD Oil, in instalments from the salary of the petitioner.

5. The learned Counsel for the respondents contended that there are no merits warranting interference with the impugned order.

6. Heard both sides and considered the material on record.

7. The impugned order clearly shows that there was an independent enquiry by the Committee appointed by the competent authority, which found that the petitioner was responsible for the shortage of HSD Oil. Thereafter, a show-cause notice was issued and after considering the explanation submitted by the

petitioner, the amount was sought to be recovered from the petitioner in instalments. Therefore, there are absolutely no justifiable grounds, warranting interference with the impugned order.

8. Therefore, the writ petition is dismissed as devoid of merits.

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