



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3457]

**TUESDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 13983/2013

Between:

1. SAPPA VENKATESWARA RAO, NUZVID & 5 OTHERS, OCC: RTC CONDUCTOR, R/O VELAMAPETA, TIRUVURU ROAD, NUZVID.
2. DASARI KRISHNA RAO S/O VENKATEAPPAIAH, OCC: RTC DRIVER, R/O 7-310, BANGINAPALLITHOTA, NUZVID, KRISHNA DISTRICT
3. VELPURI SATYANARAYANA S/O SUBBA RAO, OCC: RTC DRIVER, R/O 18/43, NEAR RAMA MANDIRAM, VATTIGUDIPADU VILLAGE, AGIRIPALLI MANDAL, KRISHNA DISTRICT.
4. JAMMY DASARADHA RANI W/O PARIMI CHINA PRABHAKAR, RTC CONDUCTOR, R/O VATTIGUDIPADU VILLAGE, AGIRIPALLI MANDAL, KRISHNA DISTRICT.
5. SAPPA SURESH S/O SOMESWARA RAO, OCC: RTC CONDUCTOR, R/O NEAR SAWMILL, VELAMAPETA, TIRUVURU ROAD, NUZVID.
6. DEKKA VENKATESWARA RAO S/O RAGHAVULU, OCC: RTC CONDUCTOR, R/O GSM COLONY, RAJUPETA, TIRUVURU, KRISHNA DISTRICT.

...PETITIONER(S)

AND

1. APSRTC HYD ANOTHER, MUSHEERABAD, REP. BY IT'S MANAGING DIRECTOR, MUSHEERABAD, HYDERABAD.
2. THE NUZVID RTC DEPOT REP ITS MANAGER, NUZVID, KRISHNA DISTRICT.

...RESPONDENT(S):

Counsel for the Petitioner(S):

- 1.SREENIVASA RAO VELIVELA

Counsel for the Respondent(S):

- 1.K SATYANARAYANA MURTHY
- 2.K SATYANARAYAN MURTHY(SC FOR APSRTC)
- 3.

The Court made the following:

ORDER:-

Petitioners are challenging the proceedings issued by the 2nd respondent dated 25.03.2013, whereby the 2nd respondent proposed to recover the excess of leave wages paid to the various employees were sought to be recovered in installments from the salaries due payable to the employees named in the impugned proceedings.

2. During the pendency of the writ petition, petitioner Nos. 1 to 3 have attained the age of superannuation. The petitioners have challenged the said proceedings primarily on the ground that the respondents have arrived at a unilateral calculation and sought for recovery from the salary of the petitioners. It is submitted that each of the petitioners have submitted details of the leaves availed by them and requested the 2nd respondent to rectify the impugned proceedings. It is also submitted that the 2nd respondent has maintained stoic silence. This Court by the order dated 30.04.2013 stayed the proposed recovery for a period of 03 months. This matter thereafter was listed on 19.01.2026.

3. The learned Standing Counsel for the respondents submits that the respondents have verified the leave balances incorporated into PMS modules and after conducting audit of leave and leave wages which were paid in excess to the employees were proposed to be recovered. It is also submitted that the recovery was initiated following the due procedure of law, by issuing a show cause notice and after receiving explanation from the said employees. It is submitted that excess wages or excess leave wages paid to any of the

employee cannot be appropriated towards any other account and as such, there is justification for issuing the impugned proceedings.

4. Heard the learned counsel for the petitioners and the learned Standing Counsel appearing for the respondents.

5. Perused the record.

6. The impugned proceedings are issued proposing to recover various amounts which according to the respondents have been paid in excess to the petitioners and that the said amounts do not rightfully belonged to the petitioners. The role of the petitioners in deposit of the alleged amounts which are proposed to be recovered is absolutely not evident. In such a scenario the Hon'ble Supreme Court in the matter of ***State of Punjab vs. Rafiq Masih***¹ has considered a similar issue and summarized a few situations wherein recoveries by the employers, would be impermissible in law:

(i) Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).

(ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.

(iii) Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.

(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even

¹ AIR 2015 SCW 501

though he should have rightfully been required to work against an inferior post.

(v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover.

The Hon'ble Supreme Court in the matter of ***Jogeswar Sahoo vs. District Judge, Cuttack***, also found fault with the proposal of the employer in recovering alleged excess amounts paid.

7. Following the same, the facts of the case are similar and identical. The role of the petitioners is absolutely not found in payment of the alleged excess leave wages. As such, the impugned proceedings would have to be set aside. Considering the submissions that petitioner Nos.1 to 3 have attained the age of superannuation, the respondents shall ensure that their service benefits are released within a period of six (6) weeks from the date of receipt of this order, if not already released.

8. Accordingly, the Writ Petition is allowed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE HARINATH.N

Date.17.02.2026
SR