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ITEM NO.39

COURT NO.10

SECTION XIIA

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).4946/2009

(From the judgement and order dated 02/04/2008 in WP No.27668/2007 of The  
HIGH COURT OF A.P AT HYDERABAD)

K.N.SASTRY

Petitioner(s)

VERSUS

STATE OF A.P.& ORS.

Respondent(s)

(With appln(s) for permission to file additional documents and prayer for  
interim relief and office report)

Date: 20/01/2014 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. GOKHALE

HON'BLE MR. JUSTICE DIPAK MISRA

For Petitioner(s)

Mr.R. Anand Padmanabhan, Adv.

Mr..R. Santhan Kumar, Adv.

Mr. Aditya, Adv.

Mr. C.S.N. Mohan Rao,Adv.

For Respondent(s)

Mr. G.N.Reddy,Adv.

Mr.Debojit Borkakati, Adv.

Mr. Bala Shivudu M., Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal is allowed in terms of the signed order placed  
on the file.

[Usha Bhardwaj]

A.R-cum-P.S.

[Sneh Lata Sharma]

Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.804 OF 2014  
(Arising out of S.L.P. (Civil) No.4946 of 2009)

K.N. Sastry

.....Appellant

VERSUS

O R D E R

(1) Leave granted.

(2) Heard learned counsel for the appellant as well as counsel appearing for respondents.

(3) The issue in this matter is with regard to the recovery of an amount of Rs.1,58,657/- from the appellant who was and who continues to be a part-time Junior Lecturer in Vocational Courses in Computer Science in the Government Junior College for Boys, Nizamabad run by the Government of Andhra Pradesh. The appellant is asked to refund the said amount only on the ground that at the time when he was appointed as a part-time Junior Lecturer he had not completed five years regular service and the reliance is placed by the respondents on the G.O.M. No.352 dated 1.10.1994.

(4) In view of this action on behalf of the respondents, the appellant approached the Andhra Pradesh Administrative Tribunal at Hyderabad and having failed, thereafter approached the High Court which accepted the submissions on behalf of the respondents and hence this appeal.

...2/-

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(5) What we find in the present appeal is that the appellant had not misrepresented in any way and the second respondent, only after complete verification of the records allowed the appellant to draw minimum time scale of pay and he was fully qualified and eligible to hold the post of part-time Junior Lecturer.

(6) In view of the peculiar facts and circumstances of the present case, in our opinion, the respondents were not entitled to recover the amount paid to the appellant. In the circumstances, in our opinion, the appeal deserves to be allowed.

(7) Accordingly, we allow this appeal and set aside the order of the Administrative Tribunal and of the High Court to the extent of the recovery of amount which has been paid to the appellant.

( .....J.  
H.L. GOKHALE )

.....J.

(DIPAK MISRA )  
NEW DELHI;  
JANUARY 20, 2014.