

(2004) 01 AP CK 0007

Andhra Pradesh High Court

Case No: Writ Petition No. 558 of 2004

K. Jayaraj

APPELLANT

Vs

Executive Officer, Cantonment
Board

RESPONDENT

Date of Decision: Jan. 8, 2004

Citation: (2005) 5 ALD 1 : (2004) 4 ALT 58

Hon'ble Judges: C.V. Ramulu, J

Bench: Single Bench

Advocate: R.K. Suri, for the Appellant; Deepak Bhattacharjee, SC, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

C.V. Ramulu, J.

This writ petition is filed seeking writ of mandamus declaring the action of the respondent in not releasing the balance subsistence allowance payable to the petitioner during the period of suspension i.e., from 28-11-2000 to 27-5-2003 as arbitrary and illegal.

2. Earlier, the petitioner was removed from service and he was imposed punishment with retrospective effect. On appeal filed by the petitioner, the appellate authority on 26-11-2003 had modified the said order of dismissal to be effected from 27-5-2003 and the subsistence allowance already paid to him shall not be recovered. Even against this order, the petitioner filed a revision before the revisional authority. At this stage, the petitioner filed present writ petition and complains that his subsistence allowance during the pendency of the enquiry by the disciplinary authority was not paid as per law. Such a petition is not maintainable and he is supposed to work out the remedies either in the appeal or in the revision petition pending before the revisional authority. The writ petition is misconceived and it is, accordingly, dismissed.