

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.4301 of 2009

-
22.07.2015

Between:

G.Sunder Singh David Raju

...Petitioner

And

The State of Andhra Pradesh, represented by its Principal Secretary, Women Development, Child Welfare & Disabled Welfare (WP) Department, Hyderabad and others

...Respondents

Counsel for the petitioner: Mr.T.Prabhu Dasu

Counsel for respondent Nos.1 and 2: Government Pleader for

Women Development and Child Welfare

Counsel for respondent No.3: None appeared

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The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to set aside proceedings, dated 20.02.2009, of respondent No.3.

I have heard Mr.T.Prabhu Dasu, learned counsel for the petitioner, and the learned Government Pleader for Women Development and Child Welfare appearing for respondent Nos.1 and 2. None appeared for respondent No.3.

The petitioner averred that he was appointed as Junior Assistant in respondent No.3 corporation on 20.11.1991; that he was subsequently promoted as Assistant Manager on 04.07.2007, and that by impugned proceedings, dated 20.02.2009, he was shown as working in the original feeder post i.e., Junior Assistant.

At the hearing, the learned counsel for the petitioner submitted that before reverting his client, he was neither issued any notice nor any proceeding containing the reasons for his reversion.

In the counter-affidavit filed by the Managing Director of responden No.3 corporation, it is, *inter alia*, stated that under Section 116-C of the Andhra Pradesh Cooperative Societies Act, 1964 (for short 'the Act'), every cooperative society shall have power to fix staffing pattern, qualifications, pay scales and other allowances for its employees with the prior approval of the Registrar of Cooperative Societies subject to the condition that expenditure towards pay and allowances of the employees shall not exceed 2% of working capital or

30% gross profit in a year whichever is less; that whereas, in the year 2007, the then Managing Director of respondent No.3 corporation increased pay scales and gave promotions to the staff including the petitioner, *vide* proceedings, dated 04.07.2007, in a most arbitrary manner with gross disregard to the financial liability of respondent No.3 corporation and contrary to the provisions of Section 116-C of the Act and that when this fact was brought to its notice, the State Government stepped in and issued G.O.Ms.No.11, dated 18.02.2009, allowing minimum time scales to all the employees including those working on consolidated pay and the issue was referred to C.I.D. for investigation.

A perusal of proceedings, dated 04.07.2007, of the then Managing Director of respondent No.3 corporation shows that the petitioner was temporarily promoted as Assistant Manager on adhoc basis subject to the condition that he is liable to be reverted back at any time without assigning any reasons.

The learned counsel for the petitioner has not disputed that the then Managing Director of respondent No.3 corporation disregarded the provisions of Section 116-C of the Act, which prescribed the upper limit of expenditure on salaries. It is also not in dispute that on noticing the unlawful act of the then Managing Director of respondent No.3 corporation giving promotions indiscriminately, the Government stepped in and issued G.O.Ms.No.11, dated 18.02.2009, as a damage control measure. It is following this intervention, that respondent No.3 corporation issued impugned proceedings, dated 20.02.2009, introducing minimum time scale to 35 employees including the petitioner. Indeed, this proceeding refers to and is based on the said G.O.

In the light of the above uncontroverted facts, the petitioner, who was promoted as Assistant Manager purely on adhoc basis with the

rider that he will be reverted to the original post of Junior Assistant at any time without assigning any reasons, has no indefeasible right to claim continuation in the higher post of Assistant Manager.

For the aforementioned reasons, the Writ Petition is without merit and the same is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.5643 of 2009 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

22nd July, 2015
GHN

