

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.18866 OF 2000

ORDER:

The present Writ Petition is filed seeking issuance of a writ of mandamus declaring the resolution passed by 4th respondent as illegal, arbitrary and violative of orders passed in W.P. No.18057 of 1999 dated 24.12.1999.

The facts in issue are as under :

The petitioner herein worked as paid secretary in 4th respondent-society from 27.12.1973. After a prolonged agitation, the Government and the petitioner's union entered into an agreement and same resulted in issuance of a Memo No.5661 dated 14.10.1991 extending revised pay scales as available to the Category-V employees of the District Cooperative Central Banks. It is stated that the Government has also issued instructions for implementation and the societies implemented the instructions by adopting the resolution. Insofar as the 4th respondent/Society is concerned, the petitioner was allowed to take salary in terms of revised pay scales by adopting the resolution on 28.03.1995. However, on 25.11.1995 the respondent/Society passed a resolution canceling the earlier resolution. The averments in the affidavit show that steps are being taken for recovery of the amount paid by way of salary and

arrears. As such the petitioner filed W.P. No.27563 of 1995 challenging the action of the 3rd respondent which was disposed of by an order dated 18.01.1997, directing the respondents therein not to effect the recovery by virtue of the orders passed in W.P. No.16558 of 1992 dated 30.08.1996. The averments in the affidavit show that pay scales of the Category-V employees of the District Cooperative Central Banks came to be revised with effect from 01.04.1996. In terms of memo above referred, the scales applicable to the Category-V employees shall equally be made applicable to the paid secretaries, but for the reasons best known, the same does not implement. Contrary to it the respondents tried to make an attempt to curtail the legitimate right of salaries by issuing the proceedings dated 25.09.1997 directing to pay salaries as stood in the year 1992. On 31.10.1997 a Division Bench of this Court suspended the orders in W.P. No.28473/97. In view of the above, the Union viz., A.P.Co-op. Secretaries and Employees Union, East Godavari District approached this Court and interim direction was granted in W.P.M.P.No.22515 of 1991 in W.P.No.18057 of 99 dated 24.12.1999 directing the respondents to pay salary in the scale of Rs.1640-4594 pending disposal of Writ Petition. Both the respondents herein were shown as respondents 2 and 3. The grievance of the petitioner is that though he was paid revised pay scales of Rs.9,510/- in contrast to the earlier

salary of Rs.2,558/- but strangely and arbitrarily the society adopted resolution on 25.09.2000 reducing the salary to Rs.2558/-. Thereafter steps are being taken to recover the excess salary from the petitioner. Hence, the Writ Petition.

The learned counsel for the petitioner mainly submits that in view of the orders passed by this Court in W.P.No.18057 of 1999 the question of recovery of money from the petitioner does not arise. He submits that the respondents/Society ought to have approached this Court seeking a clarification of the order. In view of the above, he submits that recovery of money from the petitioner does not arise.

The learned Government Pleader for Cooperation opposed the application stating that there is no illegality in the proceedings issued.

At the time when the matter is taken up for hearing, the learned counsel for the petitioner placed on record an order passed by this Court in W.P.No.5492 of 2002. It was a case where the Cooperative Societies Secretaries and Employees Union filed a Writ Petition seeking issuance of writ of mandamus declaring the instructions issued by the 4th respondent therein is illegal, arbitrary and contrary to law. The Standing Counsel placed on record the G.O.Ms.No.308 Agriculture and Cooperation (Coop.VI) Department, dated 30.12.2006 and pleaded

that no further orders will be passed in view of the said G.O. Recording the submissions made by the learned counsel for the petitioner therein, this Court closed the Writ Petition. The learned counsel for the petitioner herein submits that in view of the said G.O.Ms.No.308, dated 30.12.2006, recoveries cannot be effected. It may useful to extract the relevant portion of the G.O., which is as under :

“12. The Government, after careful examination of the entire matter, having considered the suggestion of the Commissioner for Cooperation and Registrar of Cooperative Societies, A.P., Hyderabad and taking into consideration of Group of Ministers minutes hereby permit for treating the payment already made to Paid Secretaries of all Primary Agricultural Cooperative Societies from 1991 as regular expenditure so that the amounts kept under due to accounts and corresponding provision be nullified as there will not be any effect on the financial condition of the society since the amount were already spent.”

In view of the said G.O., further orders need not be necessary in the Writ Petition.

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

As a sequel to it, miscellaneous petitions, pending if any in this Writ Petition, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

Date:23.07.2015

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