

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

—
WRIT PETITION No.21040 of 2014

ORDER:

Heard the learned Counsel for the petitioner, the learned Government Pleader and the learned Counsel for the fifth respondent.

The petitioner was the Ex-Accountant of the fifth respondent Society and was discharging his duties as CEO of Nimmanapally PACS Limited. While discharging his duties as Accountant of the fifth respondent Society, an audit was conducted in respect of accounts of the Society for the year 2008-2009 and an objection was raised with regard to the issue of not taking 360 bags of complex fertilizer into the stock register of the fifth respondent Society and having kept an amount of Rs.1,17,720/-. There was another allegation with regard to Rs.1,50,000/-. Based on the above allegations, the fourth respondent issued a surcharge notice on 10.07.2013 and directed the petitioner to submit his explanation. The petitioner submitted his explanation on 06.08.2013. Based on the explanation submitted by the petitioner, the fourth respondent dropped further action by order dated 07.08.2013. In the said order, it was directed to release pending amounts, if any. A further order was passed on 09.08.2013 by the fourth respondent ordering refund of amount of Rs.6,22,070/- with 18% interest from 15.05.2010 and when the fifth respondent was not refunding the said amount, the present Writ Petition was filed.

This Court, by order dated 11.08.2014, while admitting the Writ Petition directed respondent Nos.5 and 6 to implement the proceedings dated 09.08.2013 issued by the fourth respondent. In spite of the same, the said order is not implemented.

When the Writ Petition is taken up for consideration, learned Counsel for respondent No.5 is unable to explain the circumstances under which the order dated 09.08.2013 passed by the fourth respondent

was not implemented, but sought further time to implement the said order.

In the circumstances, the Writ Petition is allowed directing respondent Nos.5 and 6 to implement the order dated 09.08.2013 passed by the fourth respondent and comply with the same, within a period of three months from the date of receipt of a copy of this order. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

06.07.2015

vs