

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.5037 of 2012

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DATED : 04.11.2015

Between :

Penta Suryanarayana S/o.Late Penta Yellaiah,
Aged about 61 yrs, Occu : Retired Employee,
R/o.Swamivari Veedhi, Bobbilli,
Vizianagaram District.

.. Petitioner

and

The Chief Executive Officer,
The District Co-operative Central Bank Ltd.,
Vizianagaram & another.

.. Respondents

This court made the following :

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ORDER :

The petitioner is a paid secretary in Primary Agricultural Co-operative Society, Palteru, Badangi Mandal, Vizianagaram District. In this writ petition the petitioner seeks direction to grant salary payable to him which was not paid for the period from 2002 to 2005. According to the petitioner, he retired from service on 30.06.2011 but so far the said amounts are not paid.

2. Heard learned counsel for the petitioner and learned Standing counsel for R.2.

3. When the matter is taken up for consideration, learned Standing counsel representing the respondents raised preliminary objection on maintainability of the writ petition, since the petitioner is a paid secretary of Primary Agricultural Co-operative Society and the Society does not answer the description of State under Article 12 of the Constitution of India and therefore, the writ is not maintainable and no adjudication can be granted under Article 226 of the Constitution of India.

4. Learned Standing counsel placed reliance on the decision of this Court in the case of **A.Subramanyam Naidu and others Vs Government of Andhra Pradesh, Co-operation Dept., and another**, which is affirmed by the Division Bench in the case of **S. Peddi Raju and others Vs Government of Andhra Pradesh and others**.

5. Learned counsel for the petitioner does not dispute the fact that the petitioner is a paid secretary of Primary Agricultural Co-operative Society.

6. In the case of **S. Bal Narsaiah and Others Vs State of Andhra Pradesh & others (W.P.No.11445/2003)**, learned Single Judge of this Court, held that paid secretaries of Primary Agricultural Co-operative Societies cannot maintain writ petition praying for direction to pay salaries and allowances to them. As the said Society does not answer the description of State within the meaning of Article 12 of the Constitution of India.

7. Following the said decision, another learned Single Judge, in the case of A. Subramanyam Naidu (1st Supra) held that the writ petitions against termination from service are also not maintainable and persons aggrieved have to avail appropriate remedy as available under Industrial Disputes Act or Andhra Pradesh Shops and Establishments Act, as the case may be. The said decision is affirmed by

the Division Bench in the case of

S. Peddi Raju and Others (2nd supra)

8. In view of the decisions of this Court referred to above, the writ petition is not maintainable and is liable to be dismissed.

9. Accordingly, the Writ Petition is dismissed. However, it is open to the petitioner to work out his remedies as available in law regarding his claim for settlement of amounts due to him. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

_____**P.NAVEEN RAO,J**

04th November, 2015

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