

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

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WRIT PETITION No.24168 of 2015

Between:

E.Gangaram.

....Petitioner

and

The State of Telangana,

Rep.by Secretary, Cooperative Department,

Hyderabad, Telangana, and others.

....Respondents

DATE OF JUDGMENT PRONOUNCED: 04.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

1. Whether Reporters of Local newspapers **Yes/No**
may be allowed to see the Judgments?

2. Whether the copies of judgment may be Yes/**No**
Marked to Law Reporters/Journals?

3. Whether His Lordship wishes to Yes/**No**

see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.24168 of 2015

ORDER:

Heard the learned Counsel for the petitioner and the learned Government Pleader for the respondents.

The petitioner was working as Secretary in the third respondent Society. He retired from service on 16.12.2012. An enquiry under Section 51 of the Andhra Pradesh Cooperative Societies Act, 1964 (for short, the Act), was ordered in respect of the affairs of the Society by appointing an Enquiry Officer on 20.04.2012. The Enquiry Officer submitted his report on 26.04.2013. But, the enquiry report was not placed before the General Body. However, the District Collector issued a show cause notice to the petitioner on 06.05.2013 calling upon the petitioner to submit his explanation. The petitioner submitted his explanation. A surcharge order was passed on 30.03.2015 making the petitioner liable to pay an amount of Rs.2,88,862/- with interest of 18% per annum from the date of misappropriation till the amount is realized. Against the said order, the petitioner preferred CTA No.14 of 2015 before the Cooperative Tribunal at Hyderabad. The petitioner sought stay of the order passed under Section 60(1) of the Act and the Tribunal, by order in I.A.No.77 of 2015 dated 15.05.2015, granted stay of all further proceedings on condition of the petitioner producing a cash deposit of 75% of the amount involved within fifteen days before the Deputy Registrar, Bodhan, Nizamabad. Challenging the said order, the present Writ Petition is filed.

Learned Counsel for the petitioner submits that the condition imposed by the

Tribunal is onerous when the surcharge order is under challenge before the Tribunal.

The surcharge order was passed after issuing a show cause notice on 06.05.2013 and submission of explanation by the petitioner on 25.06.2013. Personal hearing was also alleged to have been given to the petitioner. But, the petitioner challenged the surcharge order dated 30.03.2015 on various grounds before the Tribunal and the appeal is pending.

In the facts and circumstances of the case, the order passed by the Tribunal in I.A.No.77 of 2015 is modified by directing the petitioner to deposit 50% of the amount by way of cash deposit within a period of four weeks from the date of receipt of a copy of this order and cooperate with the disposal of the appeal pending before the Cooperative Tribunal at Hyderabad in CTA No.14 of 2015.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

04.08.2015

vs

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