

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.14749 of 2016

ORDER

This writ petition is filed seeking to declare the action of the 5th respondent in terminating the services of the petitioner as Bank Mithra, Nizvidu Branch, *vide* letter to 17.3.2016 without payment of salary from 1.3.2015 onwards and without any notice, as arbitrary and illegal.

The petitioner claims to have passed 10th class, studied Intermediate and she is having computer knowledge. She applied for the post of Bank Mithra in the 5th respondent-organization. After conducting interview, she was selected as Bank Mithra, State Bank of India, Nuzvidu Branch, *vide* proceedings dated 15.6.2009. She is getting Rs.1500/- towards honorarium for the services rendered by her. As the respondents are not paying honorarium since March, 2015, she submitted a representation to the 2nd respondent on 21.4.2015 in the grievance cell. In spite of the same, no action has been taken on the said representation. Hence, she got issued a legal notice on 26.03.2016. Thereafter, she came to know that the 5th respondent addressed a letter dated 17.3.2016 to the State Bank of India, Nuzvidu Branch, stating that the services of the petitioner were temporarily

discontinued with effect from 11.4.2015. She further states that the said communication is a result of resolution alleged to have been passed on 11.4.2015, but no such resolution was passed on that date. However, this writ petition is filed challenging the communication issued by the 5th respondent on 17.3.2016 without conducting any enquiry, which is in violation of principles of the natural justice.

A counter-affidavit is filed on behalf of the 3rd respondent stating that the 5th respondent-organization was registered under the Andhra Pradesh Mutually Aided Co-operative Societies Act, 1994. Thus, the 5th respondent has power to hire the services, to perform their day to day business as per need, based on its bye-laws. It was noticed that the petitioner was offering her services to other societies also apart from the 5th respondent-organization. The petitioner is also working as Village Organisation Assistant (VOA) in Prathibha Village Organisation, which is in violation of the circular issued on 3.12.2010. As per the guidelines of Bank Mithra, one person should not be employed in two organizations during the same period. The petitioner's grievance for reinstatement on 11.5.2015 was answered by the 5th respondent on 20.5.2015. Further, as per resolution No.274, dated 11.4.2015 of the 5th respondent, due to

insufficiency of funds, the services of Bank Mithra are temporarily stopped in all existing bank branches of Nuzvid Mandal and the same was informed to the petitioner.

As per the documents filed by the petitioner, she was appointed as Bank Mithra to work on behalf of the 5th respondent *vide* proceedings 15.6.2009. The duties of Bank Mithra are regulated by a circular. The 5th respondent addressed a communication dated 17.3.2016 stating that the services of Bank Mithra were stopped as per the resolution No.274, dated 11.4.2015.

Learned counsel appearing for the petitioner submits that there are four other Bank Mithras whose services were not stopped, but those four other Bank Mithras are working for other banks.

The appointment of the petitioner as Bank Mithra is only an arrangement made for the effective functioning of the 5th respondent. It is for the 5th respondent, which is registered under Andhra Pradesh Mutually Aided Co-operative Societies Act, 1994, to regulate the functioning of the Bank Mithras, who were appointed as per the circular issued by the Bank.

If the petitioner has any grievance against the 5th respondent, it is open to her to take appropriate proceedings in accordance with law in other forum,

but cannot file a writ petition under Article 226 of the Constitution of India.

Accordingly, the Writ Petition is dismissed. No costs.

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

JUSTICE A.RAMALINGESWARA RAO

18th July, 2016

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