

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM
WRIT PETITION No.18447 OF 2009

ORDER:

This Writ Petition is filed challenging the Express Memo of the 2nd respondent-The Commissioner for Cooperation & Registrar of Cooperative Societies, Hyderabad in Rc.No.18674/2006/PACS/ General, dated 19.06.2009 issued to the 3rd respondent-The District Cooperative Officer, Medak District and the consequential Circular of the 4th respondent-The District Cooperative Central Bank Ltd., Medak District, in Rc.No.3293/Spl.cat/2009-10, dated 29.07.2009 and the letter of the 5th respondent-The Divisional Cooperative Officer, Siddipet Division, Siddipet, in Rc.No.362/2007/C, dated 03.08.2009 issued to the 6th and 7th respondents.

The sum and substance of the general circulars as well as the communication is to the effect that the paid Secretaries, who were paid the salaries in excess of the statutory limit in terms of G.O.Ms.No.226, dated 29.06.2005 and G.O.Ms.No.247, dated 02.11.2006, are required to be recovered on account of the dismissal of the writ petitions filed challenging the Rule 2(o) of A.P. Cooperative Societies Rules, 1964 (in short "APCS Rules") by judgment of this Court in W.P.No.28433 of 2007 and Batch of cases on 02.12.2008. As can be seen from the pleadings in the writ petition, the challenge has been made to the circular instructions issued by the authorities to take necessary action in view of the judgment of this Court upholding Rule 2(o) of the APCS Rules. There is also no averment in the writ petition that any of the writ petitioners were issued notices by the 6th or the 7th respondent. In other words, as of now, there is no cause of action for the petitioners, who have filed the present writ petition.

Learned counsel for the petitioners fairly submits that it is also possible that many of the petitioners or some of the petitioners might have already remitted back the excess amount, which has been paid to them over and above the prescribed limits. In the circumstances of the

case, as of date no notices have been issued to the petitioners, the petitioners may approach the Court as and when the respective Primary Agricultural Cooperative Societies making a demand on the petitioners, then they would be entitled to raise all the grounds, which have raised in the present writ petition.

Subject to the above the writ petition is closed. There shall be no order as to costs.

Consequently, the Miscellaneous Petitions, if any, shall also stand closed.

CHALLA KODANDA RAM, J

Date:21.07.2016

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