

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 27263 OF 2006

ORDER:

This writ petition is filed by the Society against the orders of the Cooperative Tribunal in O.A.No.73 of 2005 dated 04.04.2006 issued by the respondent.

Surcharge proceedings were initiated against the second respondent who was the ex-secretary of the Society, whereunder two charges were framed viz., one with respect to the non-recovery of the loans advanced to the agriculturists and the other with respect to the excess of salary drawn. So far as the advance to the members is concerned, the Tribunal found on account of deficit of stock, certain sums were directed to be recovered. During the enquiry it was found that there was no deficit of stock which fact came to be confirmed by the Tribunal. So far as the excess drawal of the salary is concerned, the drawal of the salary was on account of the Memo issued by the Government at a relevant point of time and thereafter, the said Memo came to be withdrawn. However, large number of writ petitions were filed before this Court questioning the recovery which was sought to be made. A decision was taken by the Government itself to keep the Memo in abeyance and thereafter a G.O.Ms.No.308, Agriculture and Cooperation dated 30.12.2006 was issued treating the payment made

as regular expenditure wherein the amounts paid towards excess salaries were allowed as expenditure.

In those circumstances, there being no error warranting interference by the court with the order impugned, the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

September 28, 2016
LMV

JUSTICE CHALLA KODANDA RAM

