

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.5998 of 2010

ORDER:

The petitioner was working as a Clerk in respondent No.3 Society. On the basis of news item appeared in the year 2001 with regard to misappropriation of respondent No.3 Society funds, an enquiry was ordered by respondent No.1 under Section 51 of the A.P. Cooperative Societies Act, 1964 (for short, 'the Act'). After the said enquiry, a surcharge notice was issued under Section 60(1) of the Act by respondent No.2 to various persons including the petitioner and the petitioner submitted his explanation. In the enquiry, it was held that the petitioner was not found guilty of the charges. However, a domestic enquiry was initiated with regard to the charges and the Enquiry Officer submitted his report. A show cause notice was issued on 01.08.2009 and the petitioner submitted his explanation on 22.08.2009. Ultimately an order of dismissal was passed on 27.11.2009. Challenging the same, the petitioner preferred an appeal to the District Level Committee as per the service regulations applicable to the employees of respondent No.3 Society and also filed the present writ petition stating that the District Level Committee, which is the appellate authority, was not functioning.

Today when the writ petition is taken up for consideration, the learned Standing Counsel appearing for respondent No.3 submitted that the District Level Committee, which is the appellate authority, is functioning and the averment made by the petitioner in the writ petition is not correct.

However, from the reply affidavit filed by the petitioner it appears that the petitioner addressed the appeal to the General Manager, Visakha District Cooperative Central Bank, Visakhapatnam and to the Joint Registrar on 18.12.2009.

Learned counsel for respondent No.3 submits that the District Collector is the Chairman of District Level Committee and it should be addressed to the Chairman of District Level Committee.

Since the appeal was preferred within the prescribed period, this Writ Petition is disposed of giving liberty to the petitioner to file a fresh appeal to proper appellate authority as per the service regulations of respondent No.3 within a period of thirty (30) days from the date of receipt of a copy of this order, in case the appeal already filed by the petitioner was not taken into account by the District Level Committee. On filing of such appeal by the petitioner, the District Level Committee shall consider the same and pass appropriate orders within six (6) months from the date of receipt of the appeal.

Accordingly, this Writ Petition is disposed of. No order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.RAMALINGESWARA RAO, J

18.04.2016

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