

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 11016 of 2013

Order:

The petitioner states that he was initially appointed as a Paid Secretary on 02.07.1979 in Primary Agricultural Cooperative Society, Singaraipally. Thereafter, he worked in different societies. He was transferred to the first respondent society and joined there on 15.01.1993. Later on, he was repatriated to the second respondent bank by virtue of the orders passed by the Government under G.O.Ms.No.67, Agriculture and Cooperation, dated 20.02.2009. Even though he was repatriated as such, his services were utilised by the first respondent till 15.07.2011 and he was relieved only on that date. After relieving, he joined the second respondent bank and retired as Special Cadre Assistant on 31.07.2011. It is the further case of the petitioner that during his tenure in the first respondent society from 01.11.2009 to 15.07.2011 the society has not paid salaries to him due to financial problems in the society. He claims an amount of Rs.4,26,068/-. He places reliance on a resolution of the executive committee dated 12.04.2011 extending the enhanced wages as per GO Ms. No.224, dated 05.10.2010.

2. A counter affidavit is filed by the first respondent stating that the petitioner himself filed four representations on 22.02.2012, 26.03.2012, 21.12.2012 and 26.03.2013 requesting the then President of the Society to pay him the salary for an amount of Rs.1,25,328/- that was due to him. Though the first respondent offered to pay Rs.1,04,382/-, the petitioner did not receive the same and insisted for payment of Rs.4,26,068/-.

3. The papers filed along with the Writ Petition show that the Divisional Co-operative Officer, Mulugu, addressed a letter on 27.02.2013 holding that the petitioner is entitled for an amount of Rs.1,25,328/-.

4. In the circumstances, there is a dispute with regard to actual entitlement of the petitioner and such disputed questions of fact cannot be decided in the present Writ Petition. The Writ Petition is, accordingly, disposed of giving liberty to the petitioner to submit a representation to the third respondent within a period of two weeks from the date of receipt of a copy of this order and the third respondent shall decide the same on the basis of the records made available by the first respondent and pass appropriate orders in accordance with law within a period of three months thereafter. There shall be no order as to costs.

5. As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

Date: 12.09.2016
Nsr

A. RAMALINGESWARA RAO, J