

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.1857 of 2000

ORDER:

This writ petition is filed by the petitioner, under Article 226 of the Constitution of India, to declare the action of the respondent authorities in not reinstating the petitioner into service and also not releasing the salary from 23-02-1988 to till date as illegal, arbitrary and contrary to the provisions of A.P. Cooperative Societies Act and consequently direct the respondent authorities to reinstate the petitioner into service as Paid-Secretary forthwith, in any one of the Primary Agricultural Cooperative Societies within their jurisdiction and to release the entire salary from 23-02-1988 to till the date treating the petitioner as on duty with effect from 23-02-1988 to the date of reinstatement into service and pay the entire arrears with interest with all consequential benefits.

Heard and perused the material available on record.

The case of the petitioner is that basing on the surcharge orders, dated 31-05-1999 issued under Section 60 of the A.P. Cooperative Societies Act 7 of 1964, the 4th respondent herein dropped the surcharge proceedings initiated against the petitioner herein. Aggrieved by the order, dated 31-05-1999 the 6th respondent herein preferred an appeal before the A.P. Cooperative Tribunal at Warangal vide

C.T.A.No.8 of 2009 and the same was allowed by the Tribunal on 21-12-2009 directing the 4th respondent herein to pass appropriate orders by way of conducting a fresh enquiry. Paragraph No.13 of the said order reads as under:

“13. In the result, with our discussions and conclusions in the foregone paras this appeal is allowed by setting aside the Surcharge proceedings vide Rc.No.3022/87-L dated 31-05-1999 of Respondent No.4 and the matter is ordered to remand back to Respondent No.4 for conducting a fresh enquiry by following the principles of natural justice by giving opportunity to all the parties including the Appellant and to conduct enquiry in detail and pass orders on merits as per the provisions of law, within (3) months from the date of receipt of this order. Under the circumstances no order as to costs.”

In view of the same, learned counsel for the petitioner prayed this Court to direct the 4th respondent to complete the enquiry against the petitioner herein within a stipulated period.

Taking into consideration the pendency of the writ petition for decades, it is appropriate to direct the 4th respondent herein to complete the enquiry, by fixing some timeframe.

Accordingly, the writ petition is disposed of, directing the 4th respondent herein to complete the enquiry initiated against the petitioner herein, as expeditiously as possible,

more preferably within a period of six (6) months from the date of receipt of a copy of this order by giving opportunity to all the parties. There shall be no order as to costs. Miscellaneous Petitions pending, if any, shall stand closed.

RAJA ELANGO, J

February 20, 2017

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