

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 25688 of 2017

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Cooperation for respondent Nos.1 to 3.

This writ petition is filed challenging the action of respondent No.4 in issuing summons to the staff of the petitioner-Bank under Section 55 of the Andhra Pradesh Cooperative Societies Act, 1964 (for short 'the Act').

A reading of the impugned summons shows that the Special Commissioner for Cooperation & Registrar of Cooperative Societies, Guntur, Andhra Pradesh stated that the audit report of respondent No.5-Society for the year 2014-15 revealed that the Managing Committee of the Society has misutilized an amount of Rs.54.19 lakhs and caused loss to the assets of the Society by undertaking film distribution business contrary to the byelaws of the Society. The District Cooperative Officer, Ongole reported that the District Cooperative Central Bank Limited conducted sale of the property of respondent No.5 situated at Kanigiri for realisation of the loan advanced by them and more than Rs.2.80 crores was realised and the amount is still with the Bank. If the amount is transferred to the Society, there is a possibility of withdrawing the same. Accordingly, an inquiry was ordered under Section 51 of the Act into the constitution, working and financial position of the Society and appointed the Divisional Cooperative Officer, Narsaraopet as Inquiry Officer. Pursuant to the said inquiry,

summons were issued to the Branch Manager of the petitioner-Bank situated at Lawyerpet Branch, Ongole and he was asked to appear on 28.07.2017 along with relevant record/documents in order to record his deposition in relation to the said inquiry.

Learned counsel for the petitioner submits that the Inquiry Officer was already saddled with 17 inquiries and unnecessarily harassing the employees of the petitioner-Bank by asking them to wait, affecting their regular work though they have nothing to do with the said inquiry.

This Court is not in a position to give a finding with regard to the nature of inquiry that is going to be conducted by the Inquiry Officer with the employees of the petitioner-Bank. In view of the apprehension expressed by the learned counsel for the petitioner, the Inquiry Officer is directed to prepare a questionnaire for the purpose of recording the depositions of the employees of the petitioner-Bank and elicit their answers to the said questionnaire, without wasting their time in the name of inquiry. It is needless to observe that the employees of the petitioner-Bank, who are summoned, shall cooperate with the inquiry.

The writ petition is accordingly disposed of.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO,J

Dt:02.08.2017

Note: Issue cc in one week.

kdl

