

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.7364 OF 2003

ORDER:

1. This writ petition is filed seeking to issue a writ of mandamus declaring the action of the 1st respondent in surrendering the petitioner to the 2nd respondent-Joint Registrar/District Co-operative Officer, Guntur District, through proceedings dated 26.1.2003, as illegal and arbitrary, and consequently, to set aside the same and to direct the 1st respondent to pay the salary to the petitioner from 26.1.2003.
2. Heard Sri Nandigam Krishna Rao, learned Counsel for the petitioner and the learned Government Pleader for Co-operation.
3. It has been submitted by the learned Counsel for the petitioner that initially, the petitioner was appointed as Secretary in the year 1978 and consequent upon the abolition of the cadre scheme, the District Collector allotted the petitioner initially to Kollipara Primary Agricultural Co-operative Society, vide proceedings dated 11.12.1989 to the 1st respondent-society, and while so, the 1st respondent through proceedings dated 26.1.2003 surrendered the petitioner to the 2nd respondent, but he was allowed to continue in the 1st respondent-society. and no salary was paid to him and that when the petitioner insisted for payment of salary, the 1st respondent informed vide proceedings dated 1.4.2003 that he was surrendered to the 2nd respondent as already one more Secretary is working in the 1st respondent-society, and thereafter, no further orders have been passed and that the petitioner was not given any posting orders and the petitioner attained superannuation in the year 2013 and therefore,

appropriation directions be issued to the 1st respondent to pay the salaries to the petitioner from 26.1.2003 till the petitioner attained the age of superannuation.

4. The learned Government Pleader for Co-operation submits that the petitioner was allotted to Vemuru Primary Agricultural Co-operative Society vide proceedings dated 4.12.2004 and the petitioner joined in the said Vemuru society and the petitioner retired from service on attaining the age of superannuation and that the petitioner was paid all benefits including salary and retirement benefits by Vemuru Primary Agriculture Co-operative Society.

5. I have considered the submissions made by the parties. In view of the submissions made by the learned Government Pleader for Co-operation that the petitioner was given posting orders, and he was paid salary and he retired on superannuation, and that all the benefits were paid to the petitioner, nothing survives for adjudication in this writ petition.

6. Accordingly, the Writ Petition is dismissed as infructuous. No costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

(ABHINAND KUMAR SHAVILI.J)

21st December, 2017
Nn

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



WRIT PETITION NO.7364 OF 2003

21.12.2017

Nn