

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.20053 OF 2012

ORDER:

1. After rendering long service, the petitioner retired from service after attaining the age of superannuation on 30.04.2008 in the capacity as Paid Secretary of Komada Primary Agricultural Co-operative Society-first respondent herein. The grievance of the petitioner necessitating institution of this Writ Petition is that so far the retirement benefits are not settled in spite of the repeated requests of the petitioner without any justification.

2. Heard Sri E.V.V.S.Ravi Kumar, learned counsel for the petitioner, Smt.M.Bhaskara Lakshmi, learned Standing Counsel for respondent No.1 and the learned Government Pleader for respondent Nos.2 and 3. Counter affidavit is filed on behalf of respondent Nos.2 and 3 but no counter affidavit is filed on behalf of respondent No.1.

3. Petitioner submits that for the service rendered by him, he is entitled to an amount of Rs.4,56,087/- towards his retirement benefits and an amount of Rs.61,781.70/- is lying in provident fund account. Even before his retirement, the petitioner submitted his representation dated 26.03.2008 to the first respondent requesting for settlement of his retirement benefits. On the grievance agitated by the petitioner, the Divisional Co-operative Officer, Parvathipuram, directed the President of the first respondent-Society to pay the retirement benefits. However, the petitioner's retirement benefits are not paid.

4. In the counter affidavit filed by respondent Nos.2 and 3, it is averred that the Primary Agricultural Co-operative Society has

financial autonomy and independence to deal with staff pattern, recruitment, posting and other service matters concerning the employees working in the Society and therefore, the Government has no role to play and reiterated that directions were already issued to the Society to pay the amounts due and payable to the petitioner.

5. There is no dispute about the basic facts. It is not in dispute that the petitioner retired from service of the first respondent-Society and so far his retirement benefits are not paid. In order to confer financial autonomy to the Co-operative Societies, the Andhra Pradesh Co-operative Societies Act, 1964 ("the Act" for brevity) was amended and Sections 115-C and 115-D were inserted. As per the provisions of these Sections, the Co-operative Societies have autonomy on all financial and internal matters subject to the guidelines of the RBI/NABARD in all aspects, including personnel policy, staffing, recruitment, posting and compensation to staff. In terms of the provisions of the Act, the first respondent-Society is liable to pay the benefits payable to the petitioner, being employee of the first respondent-Society, on account of the services rendered by him. It is not in dispute that no disciplinary action was initiated against the petitioner. Therefore, denial of the benefits payable to the petitioner is *ex facie* illegal and amounts to arbitrary exercise of power by the persons in the helm of affairs of the first respondent-Society.

6. The Writ Petition is, accordingly, allowed directing the first respondent-Society to forthwith release all the amounts due and payable to the petitioner, at any rate, within a period of three (3) months from the date of receipt of a copy of this order. The

petitioner is also entitled to interest @ 6% per annum on the amounts payable to him from the date of the amounts due till the date the amounts are paid. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(P.NAVEEN RAO, J)

11th April 2017
RRB

