

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.30295 of 2017

ORDER:

This writ petition is filed by the petitioner, under Article 226 of the Constitution of India, seeking to declare the action of the respondent No.2 in issuing Notice Rc. No.1230/2015-B2, dated 21.08.2017, as bad, illegal, in violation of Principles of Natural Justice and in violation of Articles 14, 19 and 21 of the Constitution of India, consequently set aside the same.

2. Heard the learned counsel for petitioner and the learned Government Pleader for Co-operation for respondents 1 & 2. Perused the material available on record.

3. The case of the petitioner is that he has joined as Clerk in the Bomminampadu Primary Agricultural Co-operative Society on 01.12.1988 and thereon, the petitioner has got promotion as Accountant in the year 1998 and that the 2nd respondent has issued proceedings under Section 60 of the A.P. Co-operative Societies Act, 1964, *vide* proceedings in Rc.No.1987/2006C, dated 09.01.2009, insofar as Item Nos.11 and 12 are concerned fixing the liability against the petitioner and the secretary jointly and severally. Aggrieved by the same, the petitioner has filed an appeal in O.A.No.5 of 2009, on the file of the A.P. Co-operative Tribunal, at Vijayawada and that the A.P. Co-operative Tribunal, Vijayawada, allowed the above said appeal, *vide* order, dated 29.11.2013, by setting aside the finding of surcharge proceedings creating liability on Item No.11 with regard to Rs.7,28,000/- and Rs.2,00,000/- with regard to Item No.12 and remanded the matter to the 2nd respondent for further enquiry with a direction to give opportunity to the petitioner in order to

dispute the hand writing expert opinion, examination of hand writing expert to lead evidence, if any, on those two items. Aggrieved by the same, the present writ petition is filed.

4. From the perusal of the record, it is evident that the impugned proceedings, dated 21.08.2017, was issued to the petitioner to appear before the 2nd respondent for conducting enquiry in pursuance to the remand order passed in O.A.No.5 of 2009.

5. Learned counsel for the petitioner submits that the petitioner already filed W.P.No.6601 of 2014 challenging the orders, 29.11.2013, passed in O.A.No.5 of 2009 and that when the writ petition is admitted against the order of remand, the 2nd respondent ought to have not issued impugned notice for further proceedings in pursuance of the remand order.

6. It is to be seen that even according to the petitioner, when there is no stay in W.P.No.6601 of 2014, the issuance of impugned notice cannot be faulted. Hence, I do not see any reason to entertain the writ petition.

7. Accordingly, the Writ Petition is dismissed with costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A.RAJASHEKER REDDY, J

Date: 8th September, 2017

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