

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.No.40199 OF 2017

ORDER

This writ petition is filed seeking to declare the proceedings of the 3rd respondent dated 6.11.2017 ordering enquiry under Section 51 of the A.P.Co-operative Societies Act, 1964 (for short 'the Act') on the constitution, working and financial position of the petitioner-Society, as arbitrary and illegal.

The petitioner-Society was deemed to have been registered under the Act. The present management has been elected in the year 2013. Based on the vigilance report, the 3rd respondent *vide* proceedings dated 11.3.2010 and ordered enquiry under Section 51 of the Act. Thereafter, inspection under Section 52 of the Act was ordered with regard to non-collection of subsidy seed amounts from the stock points during the years 2013-2014 and improper maintenance of ripening chambers at Rajampet. Based on the report dated 15.02.2016, surcharge proceedings were initiated by the 5th respondent *vide* proceedings dated 7.6.2016. The 5th respondent *vide* proceedings dated 19.10.2016, dropped the surcharge

proceedings holding that there was no action recommended under the inspection report dated 20.4.2016 and later, through a supplementary report, recommended for civil action for delayed payments. Thereafter, the society remitted the amount to the A.P.Seeds Corporation. Subsequently, when civil action was dropped against the management of the society, the 3rd respondent ordered inquiry under Section 51 of the Act. Hence, the present writ petition.

Learned counsel appearing for the petitioner submits that already enquiry was conducted in the year 2010 and also in the year 2015 on the same allegations and as such, repelled enquiry cannot be conducted. He further submits that the enquiry, which is now initiated, in the impugned proceedings covers the previous enquiry.

Learned Government Pleader for Co-operation submits that the present enquiry pertains to the period from 1.10.2016 to 31.3.2017 and the previous enquiry pertains to the years 2010 & 2015. He further submits that the enquiry for the period from 1.10.2016 to 31.3.2017 cannot be conducted in the year 2010 or 2015.

Learned counsel for the petitioner has brought to the notice of this Court the proceedings initiated under Section 51 of the Act in the years 2010 & 2015.

The enquiry now initiated in the impugned proceedings is for the period from 1.10.2016 to 31.3.2017 and enquiry initiated earlier is for the earlier year. However, if there is any overlapping, the petitioner can bring it to the notice of the Enquiry Officer, who is bound to consider the same. The Enquiry Officer cannot repeatedly conduct enquiry in respect of the issues where report is already submitted and surcharge proceedings were dropped. In view of the same, I do not see any reason to interdict the enquiry initiated under Section 51 of the Act.

Subject to the above observations, the Writ Petition is disposed of. No costs.

JUSTICE A.RAJASHEKER REDDY

28th November, 2017

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