

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.41055 OF 2017

O R D E R

The petitioner has been working as Secretary of Perupalem Primary Agricultural Co-operative Credit Society Ltd., Perupalem, Mogalthur mandal, West Godavari District. Based on a complaint given by one SSeenivas with regard to administration of the said society, the 3rd respondent - District Co-operative Officer, vide proceedings in Rc.No.259/2017-Cr-I dated 22.07.2017, under Section 51 of the A.P. Co-operative Societies Act, 1964 (for short 'the Act'), appointed an inquiry officer and directed to complete the inquiry within sixty days. Aggrieved by the action of the respondents in proceeding with the inquiry under Section 51 of the Act, even after expiry of sixty days as stipulated under proceedings of the 3rd respondent dated 22.07.2017, the present writ petition is filed.

Heard the learned counsel for the petitioner.

The learned Government Pleader for Co-operation by producing written instructions, would submit that the above said inquiry under Section 51 of the Act was stayed by the Government vide Memo No.74/156/2017 dated 17-08-2018 and subsequently this court in W.P.No.31039/2017 suspended the stay orders and directed the inquiry officer to continue the inquiry and accordingly the inquiry is under progress. The learned Government Pleader further relying on the order of a learned single Judge of this court in W.P.No.8611 of 2007 dated 17-07-2007, submits that the period of sixty days is only directory and not mandatory. With these submissions, he sought to dismiss the writ petition.

In the present case, the proceedings of the 3rd respondent, requires the inquiry officer to complete the enquiry within sixty days. The time frame stipulated under Section 51 of the Act is four months. Further, this court in W.P.No.31039 of 20017 suspended the stay granted by the Government with regard to conduct of enquiry under Section 51 and directed to proceed with the inquiry and the same is in progress. With regard to time frame fixed under Section 51 of the court, this court held in W.P.No.8611 of 2007 dated 17-07-2007, that it is only directory and not mandatory, by holding:

“The second ground of attack is, about the time-frame. It is true that Section 51 of the Act requires the inquiry to be completed within the stipulated period of four months. A restriction is also placed on the time up to which it can be extended. This is more, with a view to ensure that the matter is not kept pending, unduly. However, failure to adhere to the time-frame does not give rise to any right, in favour of an individual. In B.Sinivasulu v. Government of Andhra Pradesh {1988(1) ALT 10 (NRC)}, this Court held that the time-frame under Section 51 of the Act, as to the submission of a report, is only director; and a report, submitted after the stipulated time, cannot be treated as illegal or invalid.”

In view of the above, I do not find any reason to entertain the writ petition. The writ petition is accordingly dismissed.

Miscellaneous petitions pending if any, shall stand closed. No costs.

A.RAJASHEKER REDDY,J

DATE:12—12—2017

AVS