

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.Nos.8156 OF 2010 & 11599 of 2010

COMMON ORDER

Since the issue involved in both the writ petitions is one and the same, they are being heard together and disposed of by this common order.

Both the writ petitions are filed seeking to issue a Writ of Mandamus declaring the action of the respondents in not paying salaries to the petitioners from 01.05.2009 to 31.03.2010, as arbitrary and illegal.

Heard Sri V.Rama Krishna Reddy and Sri K.V.Subrahmanya Narasu, learned counsel appearing for the petitioners in both the writ petitions, Sri Raja Shekar Rao Salvaji, learned counsel appearing for respondents 1 to 3, Sri M.R.S.Srinivas, learned counsel appearing for the 4th respondent, and Sri C.V.R.Rudra Prasad, learned counsel appearing for the 5th respondent.

For the sake of convenience, the facts in W.P.No.8156 of 2010 are narrated hereunder.

4th respondent-organization is funded by the Union of India-respondents 1 and 2. The petitioners were appointed by the 4th respondent during 1995 and they have been discharging their duties. The 4th respondent is working directly under the control of ICAR. The 4th respondent undertakes to various

welfare measures in respect of farmers in the form of educating them and providing additional assistance in the agricultural activities. Because of the *inter se* disputes among the Board of Trustees of the 4th respondent, the salaries of the petitioners were not paid from 01.05.2009 till date. The present writ petitions are filed seeking a direction to the respondents to pay salaries to the petitioners as they have been discharging their duties.

Learned counsel appearing for respondents 4 and 5 submits that though respondents 4 and 5 are submitting proposals to respondents 1 and 2 for release of funds, but respondents 1 and 2 are not releasing any funds; that as respondents 4 and 5 are working under the control of respondents 1 and 2, due to lack of funds from the Central Government, they are not in a position to pay salaries to the petitioners.

Learned counsel appearing for respondents 1 to 3 contends that financial assistance will be given to respondents 4 and 5, if they follow the terms and conditions of the agreement. He further contends that respondent-organization has become defunct and as such respondents 4 and 5 are not discharging their obligation. Therefore, respondents 1 to 3 stopped releasing the funds in favour of

respondents 4 and 5. He further contends that since large scale irregularities have been noticed, respondents 1 to 3 have appointed an enquiry officer to ascertain as to whether respondents 4 and 5 are working strictly in terms of the agreement and their enquiry has been revealed that respondents 4 and 5 are not discharging their duties properly, and they are not providing service to the farmers, and hence the question of releasing funds does not arise.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that ends of justice would be met if a direction is given to respondents 4 and 5 to submit the proposals to respondents 1 to 3.

Accordingly, the Writ Petition is disposed of directing respondents 4 and 5 to submit the activities undertaken by them and also the proposals to respondents 1 to 3, within a period of one week from the date of receipt of a copy of this order. On receipt of such proposals, respondents 1 to 3 shall consider the case of the petitioners about their entitlement for salaries and pass appropriate orders, within a period of four weeks thereafter. It is always open to respondents 4 and 5 to submit independent proposals to respondents 1 to 3. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

27th September, 2018
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