

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7019 of 2018

ORDER:

This writ petition is filed challenging the proceedings, dated 16.02.2018, issued by respondent No.2-Registrar of Cooperative Societies, Guntur, Andhra Pradesh excluding the petitioners as Members of the Managing Committee of respondent No.3-Kadapa District Cooperative Central Bank Limited, YSR Kadapa District contrary to the policy decision taken by the Government *vide* G.O.Ms.No.11, Agriculture and Cooperation (Coop.IV) Department, dated 08.02.2018.

The petitioners state that they were elected as Directors/Members of the Managing Committee of respondent No.3-Bank for a period of five years and the said term expired on 28.02.2018. The respondents did not take steps to conduct the elections before expiry of the term of the existing Managing Committee. However, the Government through G.O.Ms.No.11, dated 08.02.2018, extended the term of the Managing Committee for a period of six months or till the elections are conducted whichever is earlier. The petitioners further state that surprisingly, the impugned proceedings were issued by extending the period of the Managing Committee excluding the petitioners for a period of six months from 18.02.2018 or till the elections are conducted whichever is earlier on the ground that the petitioners earned

disqualification as per Byelaw No.14 (B) (iv) and (v) (ii) and (iii) of respondent No.3-Bank.

Learned counsel for the petitioners submits that though the relevant provisions of the Andhra Pradesh Cooperative Societies Act, 1964 (for short 'the Act') and the Byelaws enable the respective Primary Societies-DCCBs to disqualify the Members for certain omissions and commissions, as a matter of fact, as on the date of the impugned proceedings, no proceedings were issued disqualifying the petitioners. Therefore, learned counsel for the petitioners submits that the petitioners are entitled to the benefit of G.O.Ms.No.11, dated 08.02.2018, and prays for a Mandamus to continue them as Members of the Managing Committee of respondent No.3-Bank.

Learned Government Pleader for Cooperation, on the other hand, submits that though as on the date, proceedings disqualifying the petitioners have not been issued, the very fact that the petitioners earned disqualification itself disentitle them to continue as members of the Managing Committee of respondent No.3. In those circumstances, he prays for dismissal of the writ petition.

There is no dispute that G.O.Ms.No.11, dated 08.02.2018, was issued as a stop-gap arrangement so as to fill the vacuum on account of expiry of the term of the existing Managing Committee and to conduct the affairs of the respective Societies/DCCBs., smoothly till a new Managing Committee is elected. The G.O.

does not indicate the disqualification of the petitioners and as on date, admittedly, no proceedings were issued disqualifying the petitioners, as asserted by the learned counsel for the petitioners, by invoking the provisions of the Act and the Byelaws of respondent No.3-Society. Merely because there are allegations with respect to the individuals, whose cases are required to be considered, the benefit of G.O.Ms.No.11, dated 08.02.2018, cannot be denied to the petitioners.

In those circumstances, the impugned proceedings to the extent of excluding the petitioners from the Managing Committee of respondent No.3-Bank on account of their disqualification cannot be sustained. Accordingly, the same is set aside and the respondents are directed to extend the benefit of G.O.Ms.No.11, dated 08.02.2018, to the petitioners.

The writ petition is accordingly allowed.

Miscellaneous petitions, if any, pending in this writ petition shall also stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:12.03.2018

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