

HON'BLE SRI JUSTICE M.GANGA RAO

W.P.No.14822 of 2001

ORDER

The petitioner, who worked as Accountant-cum-Assistant Secretary in the 3rd respondent-society, filed this writ petition seeking to issue a writ of Mandamus directing respondent Nos.1 and 2 to implement the order in R.C.No.1167/2001-C1, dated 22.5.2001, passed by the 1st respondent and to pay salary from 02.02.1999.

The case of the petitioner is that initially, he was appointed as Clerk in the 3rd respondent-society on 01.01.1985 and thereafter, he was promoted as Accountant-cum-Assistant Secretary. His promotion was ratified by the 1st respondent *vide* proceedings dated 12.12.1991. While so, he was prevented from discharging his duties from 02.02.1999 by the 3rd respondent and was not paid salary since then. Thereafter, he was placed under suspension *vide* proceedings in R.C.No.1 of 2001, dated 02.01.2001 of the 3rd respondent alleging certain irregularities. The petitioner made several representations to the 1st and 2nd respondents to direct the 3rd respondent to pay salary. When no action has been taken thereon, he filed W.P.No.1777 of 2001. This Court, by order dated 06.02.2001, directed respondents 1 and 2 to consider the representation of

the petitioner in terms of Full Bench Judgment of this Court in *Konaseema Cooperative Central Bank Ltd vs N.Sitha Rama Raju*¹, within a period of two months. In pursuance thereof, the Joint Registrar of the District Co-operative Officer, Guntur, *vide* R.C.No.1167/2001, dated 22.05.2001, cancelled the suspension order dated 02.01.2001 and reinstated the petitioner into service. Questioning the said order dated 22.05.2001, the 3rd respondent-society filed W.P.No.13575 of 2001, and the same was disposed of on 9.3.2001 directing the 3rd respondent to complete the enquiry within a period of three months and pass appropriate orders. In pursuance of the said order dated 22.05.2001, the petitioner joined duty on 13.06.2001. But, neither work was entrusted to him nor salary was paid from 02.02.1999. Hence, he submitted several representations to the respondents for payment of salary. When, no action has been taken thereon, he filed the present writ petition seeking a direction to respondent Nos. 1 and 2 to direct the 3rd respondent to implement the order of the 1st respondent dated 22.05.2001 in RC.No.1167/2001-C1 and for payment of salary from 02.02.1999.

While admitting the Writ Petition, this Court granted interim direction on 20.07.2001 in W.P.M.P.No.18543 of 2001.

¹ Air 1990 AP 171

None appeared and no counter-affidavit is filed on behalf of the 3rd respondent.

Counter-affidavit has been filed on behalf of the 1st respondent denying the averments made in the writ petition, stating that the Chief Executive Officer, Varagani PACS, *vide* letter dated 14.06.2018 informed that the petitioner was retired from service on 30.4.2012 on attaining the age of superannuation, but he had not submitted any representation for payment of arrears of salary. The petitioner has submitted representation duly requesting for payment of PF amount and the same was paid to him.

Smt N.Shoba, learned counsel appearing for the petitioner submits that the petitioner was not paid salary from 02.02.1999 till the date of his reinstatement, which is arbitrary and illegal.

Learned Government Pleader appearing for the 1st and 2nd respondents while reiterating the contentions in the counter-affidavit, would submit that the petitioner was reinstated into service *vide* proceedings dated 23.08.2001 in pursuance of the order dated 22.05.2001 and on attaining the age of superannuation, he was retired from service and no representation was submitted for payment of arrears of salary

and if any representation is submitted for payment of arrears of salary, the same would be considered, as per law.

It appears that the petitioner was reinstated into service on 23.08.2001 as per the order of the 1st respondent *vide* proceedings in R.C.No.1167/2001-C1, dated 22.5.2001 and thereafter, he retired from service on attaining the age of superannuation on 30.04.20012 and PF and other amounts were settled to him.

If the petitioner is not paid arrears of salary, as per his entitlement, he is given liberty to make a representation to the respondents within four weeks from the date of receipt of a copy of the order and on such representation, the respondents are directed to consider the petitioner's representation and settle the payment of arrears of salary, as per law, within eight weeks from the date of receipt of the representation.

Accordingly, the Writ petition is disposed of. No costs. Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE M.GANGA RAO

8th August, 2018
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