

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.10141 OF 2001

ORDER

This writ petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with the order dated 28.3.2001 passed in O.A.No.17 of 1998 on the file of the Andhra Pradesh Co-operative Tribunal, Vijayawada, and also the order passed by the Deputy Registrar of Cooperative Societies, Bhimavaram, *vide* proceedings in R.C.No.1261/95-B/D-I, dated 29.3.97, and quash or set aside the same by holding it as arbitrary and illegal.

Heard Sri P.Durga Prasad, learned counsel for the petitioner and learned Government Pleader for Co-operation.

It is the case of the petitioner that he was initially appointed as Supervisor in the Land Mortgage Bank, Sathenapalli, Guntur District, in the year 1964. After rendering considerable length of service, he was promoted as Assistant Manager and posted at Ganapavaram, West Godavari District. Thereafter, he was posted as In-charge Manager in Co-operative Central Bank Branch at Gopalapuram. Subsequently, in the month of January, 2000, he was posted as Assistant Manager in Co-operative Central Bank Branch,

Palakol. While so, the 2nd respondent-District Co-operative Officer, West Godavari, *vide* proceedings dated 5.5.95, ordered enquiry under Section 51 of the Andhra Pradesh Co-operative Societies Act, 1964 (for short 'the Act'), in respect of the affairs in Losari Guttapadu Primary Agricultural Co-operative Society and the petitioner was appointed as one of the three member committee, and the members of the committee were directed to complete the enquiry by 31.8.95 and submit a report. Though the petitioner was one of the members of three member committee, without his consent, the other members of the committee had submitted a report in the month of May 1996 and they also submitted a supplementary report in the month of November, 1996, against the petitioner alleging certain irregularities. Hence, the 2nd respondent had ordered enquiry and an enquiry officer has been appointed to enquire into the allegations of mis-appropriation of funds. A detailed enquiry was conducted and the enquiry officer had submitted a report to the effect that loans were sanctioned and disbursed without verifying the beneficiaries, which led to loss to the 2nd respondent society. Hence, the 2nd respondent issued a show cause notice on 24.1.97 and a personal hearing was also given to the petitioner. Finally, the 2nd respondent has passed the impugned order on 29.3.1997 to the effect that an amount of

Rs.19,500/- has to be recovered from the petitioner with interest @ 18% from 22.8.1990 till the date of realization. Aggrieved by the same, the petitioner has filed O.A.No.17 of 1998 before the A.P.Co-operative Tribunal, Vijayawada. The Tribunal *vide* order dated 28.3.2001, dismissed the said OA. Challenging the same, the present writ petition has been preferred.

Learned counsel appearing for the petitioner submits that the petitioner retired from service, and as the petitioner has not misappropriated any amounts of the society, the impugned order to recover an amount of Rs.19,500/- from the petitioner is arbitrary and illegal. Learned counsel further submits that if the said amount of Rs.19,500/- is to be recovered from the petitioner, then it will cast a stigma and affect his career and it is detrimental in future in respect of payment of terminal and other benefits.

Admittedly, the post held by the petitioner is not a pensionable post. So the apprehension of the petitioner is not correct. The petitioner is not drawing any pension. At the most, he must have received terminal benefits at the time of his retirement.

Learned counsel for the petitioner submits that terminal benefits of the petitioner will be stalled and it will cast a

stigma on the petitioner. Apart from that, learned counsel has not pointed out any defect in the impugned orders passed by the authorities as well as by the Tribunal.

As can be seen from the record, it appears that after conducting a detailed enquiry with regard to the allegations made against the petitioner and after giving an opportunity to him to defend his case and after following the procedure as contemplated under Section 60 (1) of the Act, the impugned orders were passed. There are no merits in the writ petition.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

6th July, 2018
rkk

JUSTICE ABHINAND KUMAR SHAVILI