

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.20178 of 2018

O R D E R:

Heard the learned counsel for the petitioner and the learned Government Pleader for Fisheries for the State of Telangana.

2. According to the petitioner, he is the President of the Fishermen Co-operative Society, Mancherial village & Mandal, Adilabad District. On the basis of a complaint made by a member of the Society, the Assistant Director of Fisheries, Mancherial, Mancherial District/the fourth respondent herein asked the petitioner herein to show-cause as to why the petitioner should not be removed from the post of President of Society while indicating action under Section 21-A of the Telangana State Cooperative Societies Act, 1964. Responding to the said show-cause notice, petitioner herein submitted a representation on 28.05.2018, asking the respondents herein to grant 20 days time for submission of the explanation for the said show-cause notice on the ground of illness. The Assistant Director of Fisheries, District Fisheries Officer, Mancherial District by way of an order vide Proceedings Rc.No.118/2018, dated 06.06.2018 declared that the petitioner herein committed misappropriation of funds of the Society, while ordering delegation of powers of the President on the vice-President till the elections are conducted. This writ petition challenges the validity and the legal sustainability of the said order passed by the fourth respondent herein.

3. According to the learned counsel for the petitioner, the impugned action is highly illegal, arbitrary, unreasonable and opposed to the very spirit and object of the provisions of the Cooperative Societies Act and the Rules framed thereunder apart from violative of the principles of natural

justice. It is further submitted by the learned counsel that as the petitioner herein seriously fell ill, he requested the fourth respondent herein to grant some time to submit a response to the show-cause notice. It is further submitted by the learned counsel that the Assistant Director of Fisheries did not conduct any enquiry on the allegations made and simply arrived at the conclusion without proper verification of the records.

4. The information available before this Court discloses that the petitioner herein in response to the show-cause notice made a representation on 28.05.2018 to the District Panchayat Officer/the fourth respondent herein, requesting 20 days time on the ground of illness. As the impugned action is punitive in nature, the respondent authorities ought to have afforded reasonable opportunity to the petitioner herein before resorting to the impugned action and in the considered opinion of this Court the impugned action is violative of the principles of natural justice and on this ground alone this writ petition is liable to be allowed.

5. Accordingly, the writ petition is allowed, setting aside the impugned order passed by the Assistant Director of Fisheries, Mancherial, Mancherial District/the fourth respondent herein vide Proceedings Rc.No.118/2018, dated 06.06.2018 and the petitioner herein is given fifteen (15) days time from the date of receipt of this order to submit his explanation to the show-cause notice dated 17.05.2018. If any such explanation is filed, the same shall be considered and appropriate orders be passed, strictly in accordance with law. As a sequel, the miscellaneous petitions, if any, shall stand disposed of. There shall be no order as to costs.

A.V.SESHA SAI, J

Date:10.07.2018
grk



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Dated: 10.07.2018

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