

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.6519 of 2018

ORDER:

The petitioners are fishermen by profession and eking out their livelihood by doing fishing operations. Pursuant to their request, a skill test was conducted by the 3rd respondent, and a list of persons qualified to undertake fishing operations was communicated by the 3rd respondent to the 5th respondent vide his letter dated 29.04.2016. The 5th respondent was also directed to admit such of those candidates who have been identified to have passed the skill test. In spite of the said communication, the 5th respondent has not admitted the petitioners to the membership of their society thereby depriving of their livelihood.

Heard learned counsel for the petitioners and the learned Government Pleader. None appeared on behalf of the 5th respondent in spite of service of notice.

A counter affidavit is filed by the 3rd respondent on his behalf and also on behalf of respondents 1, 2, 3 and 4 on authorisation. It is stated in the counter affidavit that their office conducted a Skill Test on 22.03.2016 for 37 candidates, out of which, 25 candidates were selected and identified for admission, and the said factum was also communicated to the 5th respondent.

Relevant portion of the counter affidavit is extracted hereunder:

“.... The respondent No.5 Society ought to have been admitted the identified fishermen as members of the Society by obeying the Statutory directions issued by the respondent No.3 here under Section 19(2)(a) and (2)(B) of the TSCS Act and Rules delegated vide G.O.Rt.No.16 Agri & Coopn. (Coop.II) Dept., Dated: 09.01.2017 have kept silent without discussing the issue in the General Body. Thus the respondent No.5 herein has qualified for penal action under relevant provisions of the TSCS Act and Rules.”

It is further stated that on account of the expiry of the term of the Management of 5th respondent in September, 2017, the Official In-charge,

Fisheries Development Officer, Nalgonda was appointed as Official Person In-charge to manage the affairs of the 5th respondent Society, until elections to the Society are conducted. Instructions were also issued to the Official Person In-charge to convene a Special General Body Meeting of 5th respondent Society to discuss the issue of admission of new members to the Society as ordered by respondent No.3. It is also stated that in case the General Body of respondent No.5 fails to admit the identified members, necessary action would be initiated in terms of G.O.Ms.No.74, AH DD & Fisheries (Fish-II) Department, dated 21.10.2011 against respondent No.5.

Having regard to the respective submissions, there is no dispute that the petitioners are eligible to be the members of 5th respondent Society. It may be noted that in the counter affidavit filed by the 5th respondent, it is stated that there is a scope for admission of further 35 members in the 5th respondent Society. The list enclosed along with the communication by the 3rd respondent dated 29.04.2016 recommends admission of further 25 members into the 5th respondent Society.

In the light of the above, it is the responsibility of the 3rd respondent to ensure that his directions are implemented in letter and spirit. Merely by stating that an Official Person In-charge has been appointed to manage the affairs of 5th respondent Soccity, the 3rd respondent cannot wash off his hands without ensuring the implementation of his own orders.

In the circumstances, the writ petition is disposed of directing respondents 4 and 5 to ensure implementation of the orders of 3rd respondent in letter and spirit, within a period of six weeks from the date of receipt of this order. No costs. Pending miscellaneous petitions shall stand closed.

JUSTICE CHALLA KODANDA RAM

04th January, 2019
KSM

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