

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 17545 of 2019

Date : 29.10.2019

Between:

Bharatha VasudevS/o Lingaiah Age 55 years Occ Person
Incharge of Pochampalli I landloom Weavers CoOperative
Society Limited Bhoodan Pochampalli Village and Mandal
Nalgonda District Presently Yadadri Bhongiri District & others
Petitioners

And

The State of Telangana
Rep by its Principal Secretary Hand looms and Textiles
Department Secretariat Hyderabad & others

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioners and learned Government Pleader for Industries and Commerce.

2. Petitioners were elected members of Pochampalli Handloom Weavers Cooperative Society Limited. On completion of tenure of the Pochampalli Handloom Weavers Cooperative Society Limited and several other societies, Government took a policy decision not to hold elections immediately but appointed Persons Incharge to run affairs of the society. In the said manner, Government also decided to grant such appointments to the existing members of the outgoing Executive Body as Persons Incharge. In the said manner, petitioners were appointed as Persons Incharge of societies vide proceedings dated 10.2.2018 and petitioners took over as Persons Incharge from 11.2.2018. The said appointment is further extended subsequently for every six months. Government issued G.O.Rt No. 282 Agriculture and Cooperative Department dated 27.7.2019 which is a general order granting extension to all the existing Persons Incharges to continue for a further period of six months. This benefit is not extended to the petitioners. By impugned proceedings dated 8.8.2019, referring to the Government instructions dated 10.2.2018, provision in Section 32(7)(a) of Telangana Cooperative Societies Act, 1964 and policy decision, petitioners were informed reason for not granting further extension i.e., since enquiry is pending against managing committee members who are acting as Persons Incharge, they are not fit and not suitable for running the affairs of the society in the interest of society. The said proceedings are under challenge.

3. Learned senior counsel Sri A Sudershan Reddy, appearing for petitioners, vehemently contended about validity of Section 51 enquiry proceedings. However, Court is not expressing any opinion on said issue, as same is not subject matter of this writ petition. The only issue for consideration in this writ petition is, validity of proceedings dated 8.8.2019 refusing to grant further extension.

4. Learned Government Pleader contended that the enquiry is completed and report of enquiry officer was considered and in the General Body Meeting held on 16.9.2019, the enquiry report was accepted and it was decided to impose penalty of Rs. 71,41,410/-; that to conduct further proceedings on the issue, matter is posted to 13.11.2019, therefore, at this stage, having regard to the alleged grave illegalities, they are not entitled to grant extension.

5. It is appropriate to note at this stage that there is no manner of right vested in the existing Executive Committee Members to be appointed as Persons Incharge and continue for ever. Power is vested in the competent authority to grant extension. That being so, when competent authority decided not to grant extension, what is to be seen is whether valid reason was assigned or whether decision was arbitrarily made. It is not in dispute that enquiry under Section 51 of the Act, was initiated and has reached the final stage, therefore, reason assigned in the impugned order dated 8.8.2019 for not granting renewal for further period cannot be faulted. From the reading of the impugned order, it is clear that competent authority holds that on account of pending enquiry against petitioners, they are not suitable and fit to continue to run the affairs of the society. Therefore, it is a reasoned order for not granting extension. Petitioners have not made out valid grounds warranting interference of this court.

6. Accordingly, the writ petition is dismissed. No costs.
Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 29-10-2019
TVK



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