IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT
THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 257 OF 2025

Between:

Sri P.V.Narayana Raju, S/o. P.Sanjeeva Raju, aged about 57 years, Occ- Assistant development Officer (ADO)/Legal officer -AGM, DCCB Kadapa, R/o. H.No.3/1289-2, Cooperative Colony, Kadapa town, Kadapa District, Andhra Pradesh.

...Petitioner

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary, Agriculture and Co-operation Department, Secretariat, Amaravathi, Andhra Pradesh.
2. The Kadapa District Co-operative Central Bank Limited, Kadapa, rep. by its Official Person-In-charge Committee, O/o.Head Office D.No.2/52, Nagarjuna Rly Station Road, Kadapa, YSR Kadapa District, Andhra Pradesh.
3. The Kadapa District Co-operative Central Bank Limited, Kadapa, rep. by its Chief Executive Officer, (C.E.O.,), O/o. Head Office D.No.2/52, Nagaijuna Rly Station Road, Kadapa, YSR Kadapa District, Andhra Pradesh.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue of an appropriate Writ, Order, or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent No.3 in imposing punishment of stoppage of two increments with cumulative effect vide Ref-KDDCB/HRD/DE/1/2024-25, dated 28.05.2024, thereby closing my eligibility for promotion before my retirement, which is excessive and discriminative when compared to another employee (Manager) who was given clean chit for same mistake,

and same is contrary to 3rd Respondent banks own circulars and further action of Respondent No.2 in confirming the said punishment vide resolution dated 25.10.2024 contrary to the 3rd Respondents Staff Service Regulation as amended from 30.03.2023, solely basing Chief Executive Officer, (C.E.O.,) note and not giving an opportunity, providing documents and personal hearing, as illegal, arbitrary, Excessive and contrary to the principles of natural justice, violative of Fundamental Rights guaranteed under Article 14 and 21 of the Constitution of India and contrary to the provisions of the Andhra Pradesh Cooperative Societies Act, 1964 and Rules made therein, and consequently declare the same illegal and void.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the proceedings issued by the 5th Respondent vide Ref:KDDCB/HRD/DE/1/2024-25, dated 28.05.2024, pending disposal of the above Writ Petition.

Counsel for the Petitioner: SRI SRINIVAS BASAVA

Counsel for the Respondent No.1: GP FOR SERVICES - II

Counsel for the Respondents 2 & 3: SMT SIVA JYOTHI, SC for KDCCBL

The Court made the following order:

APHC010602652024

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(Special Original Jurisdiction) **[3331]**

THURSDAY, THE NINTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 257/2025

Between:

1. SRI P.V.NARAYANA RAJU, S/O. P.SANJEEVA RAJU, AGED ABOUT 57 YEARS, OCC- ASSITANT DEVELOPMENT OFFICER (ADO)/LEGAL OFFICER -AGM, DCCB KADAPA, R/O. H.NO.3/1289-2, COOPERATIVE COLONY, KADAPA TOWN, KADAPA DISTRICT, ANDHRA PRADESH.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETAIY, AGRICULTURE AND CO-OPERATION DEPARTMENT, SECRETARIAT, AMARAVATHI, ANDHRA PRADESH.
2. THE KADAPA DISTRICT COOPERATIVE CENTRAL BANK LIMITED, KADAPA, REP. BY ITS OFFICIAL PERSON-IN-CHARGE COMMITTEE, 0/O.HEAD OFFICE D.NO.2/52, NAGARJUNA RLY STATION ROAD, KADAPA, YSR KADAPA DISTRICT, ANDHARA PRADESH.
3. THE KADAPA DISTRICT COOPERATIVE CENTRAL BANK LIMITED, KADAPA, REP. BY ITS CHIEF EXECUTIVE OFFICER, (C.E.O.,), O/O. HEAD OFFICE D.NO.2/52, NAGAIJUNA RLY STATION ROAD, KADAPA, YSR KADAPA DISTRICT, ANDHRA PRADESH.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be

pleased to for issuance of an appropriate Writ, Order, or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent No.3 in imposing punishment of stoppage of two increments with cumulative effect vide Ref-KE)DCB/HRD/DE/1/2024-25, dated 28.05.2024, thereby closing my eligibility for promotion before my retirement, which is excessive and discriminative when compared to another employee (Manager) who was given clean chit for same mistake, and same is contrary to 3rd Respondent banks own circulars and further action of Respondent No.2 in confirming the said punishment vide resolution dated 25.10.2024 contrary to the 3rd Respondents Staff Service Regulation as amended from 30.03.2023, solely basing Chief Executive Officer, (C.E.O.,) note and not giving an opportunity, providing documents and personal hearing, as illegal, arbitrary, Excessive and contrary to the principles of natural justice, violative of Fundamental Rights guaranteed under Article 14 and 21 of the Constitution of India and contrary to the provisions of the Andhra Pradesh Cooperative Societies Act, 1964 and Rules made therein, and consequently declare the same illegal and void and pass

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased may be pleased to suspend the proceedings issued by the 5th Respondent vide Ref:KDDCB/HRD/DE/1/2024-25, dated 28.05.2024, pending disposal of the above Writ Petition and pass

Counsel for the Petitioner:

1. SRINIVAS BASAVA

Counsel for the Respondent(S):

1. GP FOR SERVICES II

2. M SIVA JYOTHI

The Court made the following:

::ORDER::

Heard Sri Srinivas Basava, learned counsel for the petitioner, Sri Sarath, learned Assistant Government Pleader appearing for 1st respondent and Ms.M.Siva Jyothi, learned Standing counsel appearing for respondents 2 and 3.

2. Impugning the proceedings issued by the 1st respondent *vide* Ref. APCBA/2023, dated 17.04.2023, the above writ petition is filed.

3. Petitioner, Assistant Development Officer (ADO) was punished with stoppage of two increments with cumulative effect by proceedings of 3rd respondent *vide* Ref:KDCCB/HRD/DE/1/2024-25, dated 28.05.2024 (EX.P3). Against the said proceedings the petitioner filed a statutory appeal before the 2nd respondent. The 2nd respondent, by calling remarks from the 3rd respondent passed the order impugned *vide* Ref:KDDCB/HRD/DE/1/2024-25, dated 28.05.2024 (Ex.P.3). Later the proceedings were communicated. Assailing the same, the above writ petition is filed.

4. Calling for remarks from the officer against whose order an appeal was filed and passing an order placing reliance on the same remarks, is impermissible. A Division Bench of the composite High Court dealt with the issue long back.

5. In **Kalari Nagabhushana Rao vs. Collector, Panchayat Wing, Guntur**[1], The Hon'ble Division Bench of Composite High Court observed as follows:

> "No provision is made either in the Act or the Rules made thereunder that the District Collector has a right to make representation before the appellate authority to sustain his order. Unless and until such a power or right is given to the District Collector under the Statute or any statutory rule, it is not open to him to make any suo motu representations or any representations to the effect that the order

[1] 1978 AIR(AP) 444

passed by him was correct and there is no merit in any of the grounds taken by the appellant in his memorandum of grounds and the appeal must be dismissed. Such right is provided only to the parties concerned but not to the authority which passes the order, unless it is provided in the Act itself. Admittedly, no such provision has been made in the present Act or the Rules providing an opportunity to the District Collector to sustain the stand taken by him in his order against which an appeal has been preferred to the State Government. **We do not also find any statutory authority or rule enabling the State Government to call for any report from the Collector or any other authority, in this regard. There is no specific provision relating to the procedure. But the State Government must be conscious of the fact that it is exercising its powers as quasi-judicial appellate authority against the order of the District Collector under a statute. Such a statutory quasi-judicial appellate tribunal or authority should not either consult or consider any other opinion or view of either the District Collector or any other authority while exercising its appellate powers. Any consultation with, or interference by the District Collector or any outside authority would vitiate the functioning of the appellate authority as an independent statutory quasi-judicial tribunal. In administrative matters an appellate authority might exercise its discretion to call for such remarks or reports. But such a procedure is not permissible in the case of exercise of its powers as a quasi-judicial appellate tribunal. (emphasis is mine)**

The consultation may be in writing or oral; the expression of the opinion may be in writing or oral. Irrespective of the mode of expression of opinion or consultation, any opinion expressed by an outside authority to the appellate authority at the time of consideration of the appeal would, in our opinion, amount to interference with the exercise of the quasi-judicial appellate powers. It amounts to consultation in some form."

6. In the case at hand, apart from placing reliance on the report, the appellate authority did not independently deal with the issue in the appeal. The appellate authority is duty-bound to consider the facts and other legal aspects by looking into the record and should have formed its opinion. Such an exercise was not done in the case at hand.

7. Given the facts and circumstances of the case, the writ petition is allowed, the resolution passed by the appellate authority-2nd respondent dated 25.10.2024 and communication proceedings issued by the 3rd respondent *vide* Ref:KDDCB/HRD/DE/1/2024-25, dated 28.05.2024 are hereby set aside. The matter is remitted back to the 2nd respondent. The learned 2nd respondent shall consider the objections/grounds of the petitioner objectively and pass a reasoned order, as per the Rules as expeditiously as possible. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

Sd/-K.SRINIVASA RAJU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Agriculture and Co-operation Department, State of Andhra Pradesh, Secretariat, Amaravathi, Andhra Pradesh.
2. The Official Person-In-charge Committee, Kadapa District Co-operative Central Bank Limited, Kadapa, O/o.Head Office D.No.2/52, Nagarjuna Rly Station Road, Kadapa, YSR Kadapa District, Andhra Pradesh.
3. The Chief Executive Officer, (C.E.O.,), Kadapa District Co-operative Central Bank Limited, Kadapa, O/o. Head Office D.No.2/52, Nagaijuna Rly Station Road, Kadapa, YSR Kadapa District, Andhra Pradesh.
4. One CC to Sri Srinivas Basava, Advocate [OPUC]
5. One CC to Smt Siva Jyothi, SC for KDCCB [OPUC]
6. Two CCs to GP for Services - II, High Court of Andhra Pradesh. [OUT]
7. Two CD Copies

RAM

HIGH COURT

DATED:09/01/2025

ORDER

WP.No.257 of 2025



ALLOWING THE WP
WITHOUT COSTS