

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

WEDNESDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO

WRIT PETITION NO: 21501 OF 2024

Between:

Saki Venkateswarlu, S/o. Laxmaiah, 55 years, Occ. Secretary of PACS,
Paleannaram, Chilukuru, Suryapet District, R/o. Paleannaram, Chilukuru,
Suryapet District

...PETITIONER

AND

1. The State of Telangana, rep. by its Pri.Secretary, Agriculture and Co-operation Department, Secretariat Buildings, Hyderabad.
2. The District Co-operative Officer, Suryapet District at Suryapet.
3. The Primary Agriculture Co-operative Limited, Paleannaram, Chilukuru, Suryapet District, Rep.by its President.

...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 an appropriate writ, order or direction more in the nature of Mandamus, declaring the action of the 3rd respondent in issuing proceedings dated. 29/07/2024, wherein and whereunder the services of the petitioner as a Secretary of the PACS Paleannaram are removed without following due process of law as illegal, arbitrary and violative of principles of natural justice and also violative of G.O.Ms.No.44 dated. 17/12/2022 i.e., in Uniform Resource Policy and further also violative of Articles 14 and 21 of the Constitution of India, and consequently direct the respondents to reinstate the petitioner into service as Secretary of 3rd respondent Society with all consequential and incidental benefits.

IA NO: 1 OF 2024

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 operation of the impugned proceedings Dated. 29/07/2024 passed by the 3rd respondent pending the disposal of the above Writ Petition.

Counsel for the Petitioner: SRI V.BRAHMAIAH CHOWDARY

Counsel for the Respondent No.1 & 2: GP FOR SERVICES-II

Counsel for the Respondent No.3: SRI K.RAM REDDY

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO**WRIT PETITION No. 21501 of 2024****ORDER:**

This Writ Petition has been filed by the petitioner challenging the termination proceedings dated 29.07.2024 issued by the 3rd respondent wherein and whereunder the petitioner's services as a Secretary of the PACS, Paleannaram were removed without following due process of law and consequently direct the respondents to reinstate the petitioner into service as Secretary with all consequential and incidental benefits.

2. Heard Sri V. Brahmaiah Chowdary, learned counsel for the petitioner, the learned Government Pleader for Services-II for respondents No.1 and 2, and Sri K. Ram Reddy, learned counsel for respondent No.3

3. Learned counsel for the petitioner submits that the petitioner was appointed as a clerk in the 3rd respondent's Society on 07.03.1998, and subsequently, he was promoted to Secretary. The 2nd respondent introduced the Uniform Human Resource Policy to all Primary Agricultural Cooperative Societies and issued proceedings in Rc.No.2470/2022-C, dated 17.03.2023. While things stood thus, the elected members of the Society, for political reasons, had raised a dispute regarding the petitioner's date of

birth. The same was placed before the Managing Committee of the 3rd respondent. The Managing Committee verified the genuineness of the certificate produced by him and passed a resolution accepting the genuineness of the SSC the Certificate and Date of Birth, vide minutes dated 28.12.2023.

3(i) Learned counsel for the petitioner further submits that the members who are not satisfied with the same have raised one or the other disputes. However, the 3rd respondent, without adhering to the principles of natural justice and also contrary to the Rules enumerated in G.O.Ms.No.44 dated 17.12.2022 i.e., in Uniform Resource Policy, had issued the impugned proceedings dated 29.07.2024 and terminated petitioner's services without conducting the alleged mistake of date of birth also. The 3rd respondent on the subject of the impugned proceedings, has stated that proceedings are initiated for suspension. However, in the operative portion it was stated that the services were removed. The 3rd respondent referred to the resolution dated 29.07.2024 and referred to the alleged erroneous date of birth, misappropriation of funds, and other alleged misconduct. The proceedings dated 29.07.2024 is punitive and not followed by any semblance of the procedure.

3(ii) Learned counsel for the petitioner further submits that the 3rd respondent is governed by G.O.Ms.No.44 dated 17.12.2022,

and as per the same, the 3rd respondent has no jurisdiction to impose the punishment of removal from service, vide Rule-8 Clause-2 of the said G.O. and hence the Order is without jurisdiction. As per table No.4 of the said G.O., under the heading Cadre wise type of punishments for misconduct, the type of punishment mentioned is removal / dismissal / compulsory retirement, and the Disciplinary authority is Managing Committee in consultation with DLEC and the Appellate Authority is SLEC. As such, the 3rd respondent has no jurisdiction to punish removal from service. Accordingly, prayed to allow the Writ Petition.

4. Learned counsel for the respondents filed counter stating that the writ petition is liable to be dismissed on the simple and single ground that the Writ Petitioner failed to avail the Statutory Appeal as provided under direction 8(2) of Table No.4 cadre wise type of punishments for misconduct issued under G.O.Ms.No.44, dated 17.12.2022.

5. In view of the submissions made by the learned counsel for respective parties, this Court, without going into the merits of the case, directing the petitioner to avail of alternative remedy, i.e. to file an appeal before the Appellate Authority, i.e. State Level Empowered Committee, within a period of eight weeks from the date of receipt of a copy of this Order. On such appeal being made by the petitioner,

the Appellate Authority, i.e. State Level Empowered Committee, is directed to consider the same and pass appropriate orders in accordance with law within a period of six weeks therefrom.

6. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous applications, if any pending, shall also stand closed.

//TRUE COPY//

SD/-MOHD. ISMAIL
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Prl. Secretary, Agriculture and Co-operation Department, Secretariat Buildings, Hyderabad, State of Telangana.
2. The District Co-operative Officer, Suryapet District at Suryapet.
3. The President, Primary Agriculture Co-operative Limited, Paleannaram, Chilukuru, Suryapet District.
4. One CC to SRI V.BRAHMAIAH CHOWDARY, Advocate [OPUC]
5. One CC to SRI K.RAM REDDY, Advocate [OPUC]
6. Two CCs to GP FOR SERVICES-II, High Court for the State of Telangana at Hyderabad [OUT]
7. Two CD Copies

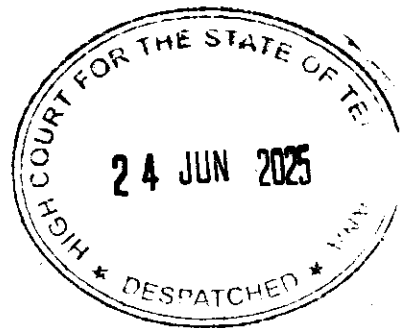
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BS

HIGH COURT

DATED:18/06/2025

ORDER

WP.No.21501 of 2024



**DISPOSING OF THE WRIT PETITION,
WITHOUT COSTS**

(10) M.T.
24/6/25