



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

[3457]

WEDNESDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 36084/2013

Between:

1.B.BABU RAO, S/O. SRINIVAS, AGED 39 YEARS, OCC: STAFF ASSISTANT, PRIMARY AGRICULTURAL CO-OPERATIVE SOCIETY, NO.K.R-155, MIRJAPURAM, NUZIVEEDU MANDAL, KRISHNA DISTRICT.

...PETITIONER

AND

1.THE STATE OF A P, REP BY ITS SECRETARY, AGRICULTURE & CO-OPERATIVE DEPARTMENT, SECRETARIAT, A.P. HYDERABAD.

2.THE DISTRICT COLLECTOR KRISHNA DISTRICT MACHILIPATNAM,
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3.THE DISTRICT COOPERATIVE OFFICER, MACHILIPATNAM, KRISHNA DISTRICT.

4.THE DIVISIONAL COOPERATIVE OFFICER, NUZIVEEDDU, KRISHNA DISTRICT.

5.THE PRIMARY AGRICULTURAL COOPERATIVE SOCIETY, MIRJAPURAM, NO.K.R-155, MIRJAPURAM, NUZIVEEDU MANDAL, KRISHNA DISTRICT. REP.BY ITS CHIEF EXECUTIVE OFFICER.

...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 pass orders particularly one in the nature of mandamus declaring

the action of the respondents in dispensing with services of the petitioner in the guise of Financial crisis and engaging new employees as arbitrary, illegal, discriminatory and violative of in bye laws of the society and Andhra Pradesh Co-operative Societies act and consequently direct the respondents to continue the petitioner in society with all benefits from to date of his first appointment and grant such other relief as may be deemed just and proper in the circumstances of the case.

IA NO: 1 OF 2013(WPMP 44854 OF 2013)

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 direct the 5th respondent Society to allow the petitioner to discharge his duties as per the report of the Proceedings of the District Co-Operative Officer, Krishna, dt. 16-11-2013, pending disposal of the above Writ Petition and grant such other relief as may be deemed just and necessary in the circumstances of the case.

Counsel for the Petitioner:

- 1.KASA JAGANMOHAN REDDY

Counsel for the Respondent(S):

- 1.GP FOR REVENUE
- 2.G V SHIVAJI
- 3.GP FOR COOPERATION

The Court made the following:

Order:-

The petitioner is aggrieved by the oral order of termination passed by the 5th respondent on 25.05.2013. The petitioner is challenging the oral termination without issuing any show cause notice. The petitioner was working as a Staff Assistant in the 5th respondent society and joined the service of the 5th respondent as Secretary in pursuance of a resolution dated 10.03.2010. The petitioner was initially paid an amount of Rs.5,000/- per month.

2. While things stood thus, the 5th respondent, vide its resolution dated 02.04.2010, appointed another Staff Assistant on deputation from PACS, Nuziveedu. The said Staff Assistant was subsequently promoted as CEO. Thereafter, the 5th respondent, vide resolution dated 16.12.2010, appointed another Staff Assistant and unilaterally reduced the salary of the petitioner by Rs.1,000/-. The petitioner was not handed over the keys of the office on 28.05.2013 and when the petitioner approached the President of the society, the petitioner was orally informed that his services were terminated. The petitioner filed a complaint before the State Human Rights Commission regarding the plight of the petitioner. The complaint was endorsed to the concerned District Collector, who in turn forwarded the same to the District Co-operative Officer, Machilipatnam.

3. The District Co-operative Officer has categorically held that the 5th respondent has terminated the petitioner from service without issuing any show cause notice. It is also observed in the order that the reason assigned

by the 5th respondent for removing the petitioner from service is on account of the continuous losses incurred by the 5th respondent society. It was left open for the 5th respondent society to follow the procedure as contemplated under Section 115-D(2) of the Andhra Pradesh Co-operative Societies Act, 1964.

4. This Court while admitting the writ petition had directed the respondents to permit the petitioner to discharge his duties provided his service has not already been terminated as on that date. The said order was passed on 11.12.2013. The petitioner was removed from service on 25.05.2013 as such the interim order passed by this Court could not aid the petitioner in any manner.

5. No counters are filed though the writ petition is filed in the year 2013. There is no representation for the 5th respondent today.

6. The learned Assistant Government Pleader appearing for the State submits that the petitioner was earlier employed as a Secretary with Billanapalli PACS in the year 1996. Thereafter, he worked for two (02) years and again joined the 5th respondent as Secretary on 10.03.2010. It is submitted that the 5th respondent is the answering respondent who would have to submit the circumstances which have led to passing of the oral termination and keeping the petitioner away from duty.

7. Considering the submissions, this writ petition is disposed of setting aside the oral termination on 25.05.2013 passed by the 5th respondent and

leaving it open for the 5th respondent to initiate proceedings afresh in pursuance of Section 115-D(2), subject to the 5th respondent not being in a position to sustain itself financially. In the event the 5th respondent society was financially viable, the petitioner would have to be taken back into service. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE HARINATH.N

29.04.2026
PNS