

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

**MONDAY, THE FIRST DAY OF JULY,
TWO THOUSAND AND TWENTY FOUR**



:PRESENT:

**THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO
WRIT PETITION NO: 13515 OF 2024**

Between:

1. S.Narayana Rao, S/o. S. Purushottam, Hindu, aged about 57 years, working as CEO, Sompeta PACS, Srikakulam District.
2. R. Viswanadhan, S/o. Sree Ramulu, Hindu, aged about 49 years. President Sompeta PACS, Srikakulam District.
3. K. Trinadha Pradhan, S/o. K. Hari, Hindu, aged about 64 years, Ex-CEO Sompeta PACS, Srikakulam District.

...Petitioners

AND

1. The Government of Andhra Pradesh, Rept. By its Principal Secretary Co-operative Department, Secretariat Buildings, Tulluru, Amaravathi, Guntur District.
2. Assistant Provident Fund Commissioner, District Provident Officer Rims Jn, Balaga, Srikakulam District.
3. Branch Manager, DCCB Bank Sompeta Branch Sompeta, Srikakulam District.
4. The Deputy Registrar of Co-op. Societies, Tekkali, Srikakulam District.
5. Sompeta Primary Agricultural Co-Op Society, Rept. By its Person-in-charge, Sompeta, Srikakulam District.

...Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ or order direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd and 4th respondent herein

when there are no funds to the society for payment of provident fund amount and also sought permission for payment of amount to the 4th and 3rd respondent integrating permission on my application, even though prohibitory orders were issued vide No.AP/DO/SKLM/RVSP/28759/Recovery/ Zone-71/2021/62 dated 20.07.2021 imposed penal damages, of Rs.7,65,451/- received amount from the 3rd respondent, and consequently surcharge proceedings issued vide R.C.No.249/2021-C/SUR/TKL dated 20.01.2024 and whereby fixing liability severally and jointly to all the petitioners is as illegal improper and arbitrary consequently set-side the proceedings of 2nd respondent and consequential proceeding and delved;

IA NO: 1 OF 2024:

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the proceedings vide R.C.No.249/2021-C/SUR/TKL dated 20.01.2024, pending disposal of WP.No.13515 of 2024, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Mrs A.Padma, Advocate for the Petitioner and GP for Cooperation for the Respondent Nos.1, 2 & 4, 5, the Court made the following;

ORDER:

“The respondent Nos.1 and 2 can exercise the surcharge proceedings, when there is misappropriation of funds, breach of trust and willful negligence, the petitioners herein have remitted amounts towards provident fund under Section 49 of the A.P.Society Registration Act, 1964.

As seen from the impugned proceedings, the petitioners have not misappropriated any funds. Therefore, there shall be an interim direction as prayed for, for a period of four (04) weeks.

Post the matter after four (04) weeks.

Meanwhile, respondents are directed to file their counters."

//TRUE COPY//

For

SD/- G.HELANAIDU
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Government of Andhra Pradesh, Co-operative Department, Secretariat Buildings, Tulluru, Amaravathi, Guntur District.
2. The Assistant Provident Fund Commissioner, District Provident Officer Rims Jn, Balaga, Srikakulam District.
3. The Branch Manager, DCCB Bank Sompeta Branch Sompeta, Srikakulam District.
4. The Deputy Registrar of Co-op. Societies, Tekkali, Srikakulam District.
5. The Person-in-Charge, Sompeta Primary Agricultural Co-Op Society, Sompeta, Srikakulam District. (Addressee Nos.1 to 5 by RPAD)
6. One CC to Mrs. A.Padma, Advocate [OPUC]
7. Two CCs to GP for Cooperation, High Court of Andhra Pradesh. [OUT]
8. One spare copy

MM

HIGH COURT

TRR,J

DATED:01/07/2024

NOTE: POST THE MATTER AFTER FOUR (04) WEEKS

ORDER

WP.No.13515 of 2024

INTERIM DIRECTION

