

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
(SPECIAL ORIGINAL JURISDICTION)



TUESDAY, THE 28TH DAY OF JULY, 2026

: PRESENT:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 20788 OF 2026

Between:

Gudiseva Brahmaiah, S/o. late Krishna Murthy, Aged about 59 years, Occ: Chief Executive Officer, Chennuru PACS, Chennuru, Pedana Mandal, Krishna District, R/o. Uppalakalavagunta Village, Kamalapuram Post, Pedana Mandal, Krishna District.

Petitioner

AND

1. The State of Andhra Pradesh, Rep.by its Principal Secretary, Co-Operative Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District, Andhra Pradesh State, 522238
2. The State of Andhra Pradesh, Rep.by its Principal Secretary, Finance & Planning Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District, Andhra Pradesh State, 522238
3. The Commissioner and Registrar of Co-Operative Societies, Government of Andhra Pradesh, Guntur, Guntur District, Andhra Pradesh, 522006
4. The District Co-Operative Officer, Machilipatnam, Krishna District, 521001
5. The Deputy Registrar of Co-Operative Societies, Machilipatnam, Krishna District, 521001

6. The Chennuru Primary Agricultural Co-operative Society Ltd., Rep. by its Chairman of Unofficial Three Member Committee, Chennuru, Pedana Mandal, Krishna District, 521366
7. The District Level Empowered Committee (DLEC), Rep. by its Convener, Machilipatnam, Krishna District, 521001

Respondents

WHEREAS the Petitioner above named through his Advocate Sri Manikanta Thota, presented this 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 a Writ, Order or direction more particularly one in the nature of Writ of Mandamus questioning the action of the Respondents in not allowing the petitioner to continue as Chief Executive Officer of the 6th respondent Cooperative Society till attaining the age of 62 years on par with other Govt. Employees as per the GO.M.S.No.15, Finance (HR.IV FR & LR) Dept., dated 31.01.2022 and GO.Ms.No.36, Dt.01.03.2019, and G.O. Ms No.90 Agriculture and Cooperation, dated 04.12.2020 and Sec 115 C & D Andhra Pradesh Co-Operative Societies Act, 1964 under Rule 28 (6 & 7) of the A.P Co-Operative Societies Rules, despite General body resolution dated 26.03.2026 which is illegal, irregular, arbitrary, against to the Principles of Natural Justice, as discrimination among similarly situated persons, contrary to the provisions of Andhra Pradesh Co-Operative Societies Act, 1964 and in violation of Articles 14, 19 and 21 of the Constitution of India and consequently direct the respondents to permit the petitioner to discharge his duties till the completion of the age of 62 years in consonance with GO.MS.No.36, Dt. 01.03.2019.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri Manikanta Thota, Advocate for the Petitioner, and of GP for Co-operation for Respondent Nos. 1, 3 to 7, and of GP for Finance for Respondent No.2, directed issue of notice

to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary, State of Andhra Pradesh, Co-Operative Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District, Andhra Pradesh State, 522238
2. The Principal Secretary, State of Andhra Pradesh, Finance & Planning Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District, Andhra Pradesh State, 522238
3. The Commissioner & Registrar of Co-Operative Societies, Government of Andhra Pradesh, Guntur, Guntur District, Andhra Pradesh, 522006
4. The District Co-Operative Officer, Machilipatnam, Krishna District, 521001
5. The Deputy Registrar of Co-Operative Societies, Machilipatnam, Krishna District, 521001
6. The Chairman of Unofficial Three Member Committee, Chennuru Primary Agricultural Co-operative Society Ltd., Chennuru, Pedana Mandal, Krishna District, 521366
7. The Convener, District Level Empowered Committee (DLEC), Machilipatnam, Krishna District, 521001

are be and hereby directed to show cause either appearing in person or through an advocate as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

IA NO: 1 OF 2026

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 respondents to continue the services of the petitioner as Chief Executive Officer of 6th respondent till the petitioner attains the age of 62 years, Pending disposal of WP No.20788 of 2026, on the file of the High Court.

The Court made the following: ORDER

1. Notice before admission.
2. Learned Government Pleader for Co-operation takes notice for Respondent Nos.1, 3, 4, 5, 6 and 7.
3. Learned Government Pleader for Finance takes notice for the Respondent No.2.
4. The present Writ Petition is filed questioning the action of the Respondents in not extending the benefit of enhanced age of superannuation from 60 to 62 years to the Petitioner pursuant to the resolutions of the Executive Committee as well as the General Body of the Respondent-Society and to declare the same as illegal and arbitrary.
5. The learned Government Pleader submits that the Division Bench of this Court in W.A.No.649 of 2024 had passed an interim order on 11.09.2024 suspending the order of the learned Single Judge with regard to the same relief.
6. Heard the respective counsel.

7. The learned counsel for the Petitioner submits that though the Division Bench of this Court in W.A.649 of 2024 had stayed the enhancement of age of superannuation of 62 years, the distinguishable factor in this case is that the General Body as well as the Executive Committee of the Respondent-Society had resolved to enhance the age of its employees on par with the Government employees i.e., 62 years. Apart from that Rule 28(7) of the Andhra Pradesh Co-operative Societies Rules enables the Society to enhance the age of its employees on par with the Government employees. In W.A.No.649 of 2024, the interim orders were passed at the instance of the Cooperative Society which did not pass any General Body or Executive Committee resolution as done in this case.

8. In that view, there shall be interim order as under;

(i) The Respondents shall continue the Petitioner till he attains the age of 62 years pending further orders.

10. Post this case along with W.P.No.16226 of 2026.

//TRUE COPY//

SD/- P.BRAHMA RAO
ASSISTANT REGISTRAR

For

SECTION OFFICER

To,

1. The Principal Secretary, State of Andhra Pradesh, Co-Operative Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District, Andhra Pradesh State, 522238

2. The Principal Secretary, State of Andhra Pradesh, Finance & Planning Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District, Andhra Pradesh State, 522238
3. The Commissioner & Registrar of Co-Operative Societies, Government of Andhra Pradesh, Guntur, Guntur District, Andhra Pradesh, 522006
4. The District Co-Operative Officer, Machilipatnam, Krishna District, 521001
5. The Deputy Registrar of Co-Operative Societies, Machilipatnam, Krishna District, 521001
6. The Chairman of Unofficial Three Member Committee, Chennuru Primary Agricultural Co-operative Society Ltd., Chennuru, Pedana Mandal, Krishna District, 521366
7. The Convener, District Level Empowered Committee (DLEC), Machilipatnam, Krishna District, 521001 (1 to 6 by SPAD- along with a copy of Petition and Affidavit)
8. One CC to Sri Manikanta Thota Advocate [OPUC]
9. Two CCs to GP for Co-Operation, High Court of Andhra Pradesh [OUT]
10. Two CCs to GP for Finance, High Court of Andhra Pradesh [OUT]
11. One spare copy

HIGH COURT

VN, J

DATED: 28/07/2026

POST THIS CASE ALONG WITH W.P.NO.16226 OF 2026

NOTICE BEFORE ADMISSION

WP.NO.20788 OF 2026



INTERIM DIRECTION.