

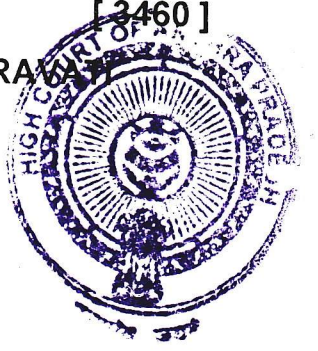
[3460]
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

TUESDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 21155 OF 2025



Between:

Gasadi Malleswara Rao, S/o Late Nagaraju, Aged 56 years, Occ:
Senior Assistant, working in Girijan Primary Cooperative Marketing
Society Limited at Koyyuru Mandal, Alluri Seetharamaraju District.
(Erstwhile Visakhapatnam District).

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Tribal Welfare Department, Secretariat, Velagapudi, Amaravati, Guntur District.
2. Girijan Cooperative Corporation Limited, Rep. by its Vice-Chairman and Managing Director, Head Office at Dr. NTR Beach Road, Near VUDA Park Light House, East Point Colony, Jalaripeta, Visakhapatnam City, Visakhapatnam District - 530017.
3. The Vice-Chairman and Managing Director, Girijan Cooperative Corporation Limited, Head Office at Dr. NTR Beach Road, Near VUDA Park Light House, East Point Colony, Jalaripeta, Visakhapatnam City, Visakhapatnam District - 530017.
4. The Deputy General Manager, Finance Department, Girijan Cooperative Corporation Limited, Head Office at Dr. NTR Beach Road, Near VUDA Park Light House, East Point Colony, Jalaripeta, Visakhapatnam City, Visakhapatnam District-530017.

5. The Manager, Girijan Primary Cooperative Marketing Society Limited (GPCMS), Chintapalli, Alluri Seetharamaraju District -531111. (Erstwhile Visakhapatnam District).

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 a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the proceedings in Rc. No. 165/2018/Admn 1, dt. 21.04.2025 issued by the 3rd respondent thereby directed the 4th respondent to recover an amount of Rs.3,50,000/- from the monthly salary of the petitioner, without conducting enquiry, without considering the explanations dt. 03.07.2018 and 06.07.2021 submitted to the show cause notice dt. 20.06.2018, without furnishing the alleged Enquiry Report dt. 08.06.2018 submitted by the Vigilance Officer, GCC, Visakhapatnam and without passing reasoned/speaking order, as illegal, arbitrary, violative of principles of natural justice and offends Articles 14 & 21 of Constitution of India and consequently set aside the proceedings dt. 21.04.2025 issued by the 3rd respondent.

IA NO: 1 OF 2025

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to suspend the operation of proceedings in Rc.No.165/2018/Admn 1, dt. 21.04.2025 issued by the 3rd respondent, Pending disposal of WP 21155 of 2025, 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 SRI SRINIVAS AMBATI, Advocate for the Petitioner, GP FOR TRIBAL WELFARE for the Respondent No.1 and of Sri P.V. SATYANARAYANA, Standing Counsel for the Respondent Nos.2 to 5, the Court made the following

ORDER:

1

"The present writ petition is filed questioning the proceedings dated 21.04.2025 issued by Respondent No.3 directing Respondent No.4 to recover an amount of Rs.3,50,000/- from the monthly salary of the Petitioner without conducting any enquiry.

The Petitioner is working as Manager (FAC) at Girijan Primary Cooperative Marketing Society Limited i.e., Respondent No.5. A show-cause notice was issued on 20.06.2018 by Respondent No.3 calling upon the Petitioner to explain lapses in procurement of Tamarind. Even though the Petitioner submitted explanation, the impugned order was passed on 21.04.2025 directing recovery of the amount. Hence, the writ petition is filed.

Learned counsel for the Petitioner submits that only on the basis of explanation offered and without any enquiry being conducted, the impugned proceedings cannot be sustained.

Heard the respective counsel.

The petitioner is an employee of Respondent No.5 society which is an independent society and Respondent No.3 who has issued the show-cause notice is an independent corporation. The primary question in this writ petition would be the authority of Respondent No.3 Corporation over an employee of Respondent No.5 Society to issue show-cause notice and the consequential impugned order. Prima facie, there is nothing to establish this fact.

Therefore, there shall be interim suspension of the impugned proceedings dated 21.04.2025 issued by Respondent No.3.

Post on 16.09.2025."

//TRUE COPY//

SD/- N.NAGAMMA
ASSISTANT REGISTRAR

SECTION OFFICER

F

To,

1. The Principal Secretary, Tribal Welfare Department, Secretariat, Velagapudi, Amaravati, Guntur District, State of Andhra Pradesh (BY SPECIAL MESSENGER)
2. The Vice-Chairman and Managing Director, Girijan Cooperative Corporation Limited, Head Office at Dr. NTR Beach Road, Near VUDA Park Light House, East Point Colony, Jalaripeta, Visakhapatnam City, Visakhapatnam District - 530017.
3. The Vice-Chairman and Managing Director, Girijan Cooperative Corporation Limited, Head Office at Dr. NTR Beach Road, Near VUDA Park Light House, East Point Colony, Jalaripeta, Visakhapatnam City, Visakhapatnam District - 530017.
4. The Deputy General Manager, Finance Department, Girijan Cooperative Corporation Limited, Head Office at Dr. NTR Beach Road, Near VUDA Park Light House, East Point Colony, Jalaripeta, Visakhapatnam City, Visakhapatnam District-530017.
5. The Manager, Girijan Primary Cooperative Marketing Society Limited (GPCMS), Chintapalli, Alluri Seetharamaraju District -531111. (Erstwhile Visakhapatnam District). (Addressee Nos.2 to 5 by RPAD)
6. One CC to SRI. SRINIVAS AMBATI Advocate [OPUC]
7. Two CCs to GP FOR TRIBAL WELFARE, High Court Of Andhra Pradesh. [OUT]
8. One CC to SRI P.V. SATYANARAYANA, STANDING COUNSEL [OPUC]
9. One spare copy

Kj

HIGH COURT

VN,J

DATED:12/08/2025

POST ON 16.09.2025

ORDER

WP.No.21155 of 2025

INTERIM SUSPENSION

