

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

Main Case: W.P.No.34563 of 2025

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
02.	22.12.2025	<u>VN, J</u> The present writ petition is filed seeking to set aside the order of suspension of the petitioner dated 18.11.2025, passed in purported exercise of power under Rule 8 of the Andhra Pradesh Civil Services (CCA) Rules, 1991, as illegal and arbitrary. An enquiry was conducted under Section 51 of the Andhra Pradesh Cooperative Societies Act, 1964, at the instance of the District Collector and the Chairman of the respondent Society (though registered as a Corporation), into the financial affairs of the Society. A report was submitted, wherein certain irregularities were pointed out, alleging that the petitioner had exhibited slack supervision, misguided higher officials, suppressed Government Orders and Circulars issued from time to time, effected irregular promotions in violation of the Rules, and permitted irregular payment of salaries as well as irregular payment of T.A. bills to the staff. Based on the said report, the 2nd respondent passed the impugned order of suspension in exercise of power under Rule 8 of the Andhra Pradesh Civil Services (CCA) Rules, 1991. Hence, the present	

		writ petition. Heard learned counsel for the petitioner and learned Standing counsel for the 2nd respondent. Section 31-A(15) of the Andhra Pradesh Cooperative Societies Act, 1964 deals with the powers and functions of the Managing Committee. As per clause (15), the power of suspension squarely falls within the exclusive domain of the Managing Committee of the Society. Section 31-A of the Andhra Pradesh Cooperative Societies Act, 1964 deals with powers of the Managing Committee and Sub-Section (15) reads as follows: <i>“(15) suspension of any officer or servant of the society under Section 59.”</i> In the present case, the impugned order has been passed by the 2nd respondent in his individual capacity. Therefore, the impugned order cannot be sustained on this ground. Secondly, the 2nd respondent has exercised power under Rule 8 of the Andhra Pradesh Civil Services (CCA) Rules, 1991, which is applicable only to Government employees. The said power is not available to a Cooperative Society. Even otherwise, when there is a specific statutory provision, namely Section 31-A(15) of the Andhra Pradesh Cooperative Societies Act, 1964, prescribing the manner in which the power of suspension is to be exercised, reliance on	
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		Rule 8 of the Andhra Pradesh Civil Services (CCA) Rules, 1991 is wholly unsustainable. Therefore, there shall be interim suspension of the impugned order dated 18.11.2025, pending further orders. The petitioner shall be continued in the erstwhile post by the respondents, pending further orders. For counter, list the matter on 09.02.2026. _____ VN, J SNI	
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