



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

(SPECIAL ORIGINAL JURISDICTION)

MONDAY, THE TWENTY SECOND DAY OF DECEMBER,

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 34563 OF 2025

Between:

P.T.Selvi, W/o. (Late) P.Kodhanda Raman, aged about 59 years Occ:
Executive Officer, District Scheduled Castes Service Co-operative Society
Limited (DSCSCSL, Krishna District) Machilipatnam-521002, Krishna
District, A.P

...Petitioner

AND

1. The State of Andhra Pradesh, Rep.by its Secretary, Department of Social Welfare Block No.3, A.P.Secretariat, Velagapudi, Guntur District-522238., A.P.
2. The Vice-Chairman (FAC) & Managing Director, Andhra Pradesh Scheduled Castes Cooperative Finance Corporation (APSCCFC LTD), 4th Floor, SP's Riverview Building, Beside Manipal Hospital, Tadepalli-522501, Guntur District, A.P.
3. The Collector and District Magistrate, SPSR Nellore District Collectorate, Achari Street, VRC Center, NELLORE-524001, A.P.

...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 an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus and to

(a) Set aside the Suspension Order of the Petitioner issued by Respondent -2 vide Proceedings Rc.No.A4/2934924/APSC/2023 Dt. 18.11.2025, under Rule.8 of the Civil Services (CC AND A) Rules, 1991 based on the Inquiry ordered by Respondent-3 under Sec.51 of the APCS Act,1964 and it is a violation of mandatory provisions of Sec.30(xiv), 31 - A(10),(13 to 16) of the ARCS Act,1964 as the suspension is not in accordance with Law and has violated the petitioners Right to Life under Article 21 of the Constitution of India

(b) Set aside the order of Inquiry issued by Respondent-3 under Sec.51 of the Andhra Pradesh Cooperative Societies Act,1964 (The Act,1964) vide Pro.Rc.No.903/2024/C2, Dt.24.7.2024 and Review/Findings proceedings to initiate Civil, Criminal and Disciplinary action against the petitioner and others and all consequential proceedings based on the said Inquiry as the Collector and District Magistrate has no jurisdiction and authority to order for an Inquiry under the said provision of the Act,1964 as the actions are illegal and unconstitutional;

IA NO: 1 OF 2025:

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 suspending the operation of "the suspension Order" issued by Respondent-2 dt.18.11.2025 and all consequential proceedings and suspend the Inquiry order by Respondent-3, dt.27.4.2025 and all consequent proceedings, pending disposal of WP.No.34563 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 Kallemu Vijaya Raju, Advocate for the Petitioner and GP for Social Welfare for the Respondent Nos.1 & 3 and Sri G.Ratka Kumar, Standing Counsel for the Respondent No.2, the Court made the following;

ORDER:

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 SubSection (15) reads as follows:

“(15) suspension of any officer or servant of the society under Section 59.”

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 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.

//TRUE COPY/

SD/- M.PRABHAKARA RAO
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Secretary, State of Andhra Pradesh, Department of Social Welfare Block No.3, A.P.Secretariat, Velagapudi, Guntur District-522238., A.P. (by **Special Messenger**)
2. The Vice-Chairman (FAC) & Managing Director, Andhra Pradesh Scheduled Castes Cooperative Finance Corporation (APSCCFC

LTD), 4th Floor, SP's Riverview Building, Beside Manipal Hospital,
Tadepalli-522501, Guntur District, A.P.

3. The Collector and District Magistrate, SPSR Nellore District
Collectorate, Achari Street, VRC Center, NELLORE-524001, A.P.
(Addressee Nos.2 & 3 by **RPAD**)
4. One CC to Sri. Kallemu Vijaya Raju, Advocate [OPUC]
5. Two CCs to GP for Social Welfare, High Court of AP [OUT]
6. One CC to Sri G.Ratka Kumar, Standing Counsel [OPUC]
7. One spare copy

HIGH COURT

VN,J

DATED:22/12/2025

LIST THE MATTER ON 09.02.2026

ORDER

WP.No.34563 of 2025

DIRECTION

