

D,
SLP(C)No. 13396 OF 2000

ITEM No.205

Court No. 6

SECTION XIIA
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.13396/2000

(From the judgement and order dated 04/02/2000 in WA 1493/98
of The HIGH COURT OF A.P AT HYDERABAD)

S. KRISHNA MURTHY

Petitioner (s)

VERSUS

GOVT. OF A.P. & ORS.

Respondent (s)

(With prayer for interim relief)
(For Final Disposal)

Date : 05/10/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE DORAISWAMY RAJU

For Petitioner (s) Mr. M.N. Rao, Sr. Adv.
Mr. R Santhana Krishnan, Adv.
Mr. S.K. Patnaik, Adv.
Mr. D. Mahesh Babu, Adv.

For Respondent (s) Mr. T.V. Ratnam, adv.
Mr. K Subba rao, Adv.
Mr. Anil Kumar Tandale, Adv.

Mr. G Ramakrishna Prasad, Adv.
Mr. Mohd. W. Khan, Adv.
Mr. T.N.Rao, Adv.

UPON hearing counsel the Court made the following
O R D E R

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.SP2

Leave granted.
The appeal is allowed in terms of the signed
order.

.SP1

Charanjit

[Om Prakash]
Court Master

[Signed order is placed on the file]

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7027/2001@@
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(arising out of SLP(C) 13396/2000)

S Krishna Murthy .. Appellant

Vs.

Govt. of A.P. & Ors. .. Respondents

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Leave granted.

The appellant before us was employed on the establishment of Respondent No. 3.

He retired from service on 31.5.1997. On 17.7.1997, certain proceedings under Section 51 of the Andhra Pradesh Co-Operative Societies Act were initiated stating that there is misappropriation to a tune of Rs.19,23,381.63 in the Society and, therefore, surcharge proceedings will have to be initiated and while endorsing this order to the General Manager, Krishna District Cooperative Central Bank Ltd., request was made to stop all pensionary benefits in respect of appellant who had retired from service. This action of the respondents was challenged in a writ petition before the High Court.

Learned Single Judge who examined the matter found that this is not a case of initiation of disciplinary proceedings and it was not possible to trace any power with the respondents to stop the pension payable to him even before initiating proceedings under ...2/-

:2:

Section 51 or Section 60 of the A.P. Cooperative Societies Act. The matter was carried in appeal by the respondents and the Division Bench set aside that order subject to certain directions issued. It is against this order the appellant has come up before this Court.

It is not clear whether any disciplinary proceedings had been initiated against the appellant by the Society or not. What is clear is that in a proceedings initiated under Section 51 against certain other persons, action is sought to be taken to withhold his pension without even hearing him in the matter. Moreover, no power is traced to any of the provisions either under Section 51 or under Section 60 of the Act to sustain such action. In the circumstances, we have no option but to set aside the order made by the Division Bench of the High Court and restore that of the learned Single Judge. Appeal is allowed accordingly.

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[S. RAJENDRA BABU]@@
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[DORAISWAMY RAJU]@@
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New Delhi,@@
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October 5,2001 @@
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