

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

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WRIT PETITION No:5543 of 1995

DATED 28-02-2006

Between:

P.R.K.Reddy.

..... PETITIONER

AND

The General Manager,

District Co-operative Central Bank Limited.

.....RESPONDENT

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ORDER:

Questioning the action of the respondent in transferring the petitioner as Additional Secretary from Gopalapuram PACS to Voddumoodi PACS, vide proceedings dated 18-03-1995, the present writ petition is filed.

Ms.Aparna, learned counsel for the petitioner, would submit that the transfer of the petitioner is contrary to Section 116A of the A.P.Co-operative Societies Act, 1964 (for short "the Act"). Learned counsel would also refer to the proceedings of the Commissioner for Co-operation and Registrar of Co-operative Societies, dated 31-12-1993, in support of her contention that employees of Primary Agricultural Co-operative Society are not liable to be transferred. Learned counsel would also refer to the amendment made to Rule 72 of the A.P.Co-operative Societies Rules (for short "the Rules"), wherein, Sub-Rule 5 was inserted by G.O.Rt.No.988, dated 14-09-2004, to submit that employees working in the Agricultural Primary Co-operative Societies are governed by Sub Rules 3 and 4 of Section 72.

It is necessary to note that this court in W.P.M.P.No.6867 of 1995, dated 26-09-1995, suspended the operation of the order of transfer, dated 18-03-1995. Ms.Aparna, learned counsel for the petitioner, would submit that in view of the order of this court suspending the order of transfer, dated 18-03-1995, the petitioner still continues to work as an Additional Secretary of Gopalapuram PACS.

It is wholly unnecessary for this court to go into the merits of the contention raised by the learned counsel for the petitioner and on the question as to whether the proceedings of the Commissioner for Co-operation and Registrar of Co-operative Societies, dated 31-12-1993, or Sub Rule 5 of Rule 72 of the Rules, enable the petitioner to continue in service as Additional Secretary of Gopalapuram PACS, as I

do not consider it appropriate to now permit the respondent to give effect to an order of transfer passed more than a decade earlier, more so, in view of the fact that pursuant to the interim order passed by this court, the petitioner is being continued as Additional Secretary of Gopalapuram PACS for the last more than one decade. The impugned order of transfer dated 18-03-1995, in the peculiar facts and circumstances of the present case, is, therefore, set aside. Needless to state that this order shall not preclude the respondent, if they so choose, from passing appropriate orders of transfer afresh, in accordance with law.

The writ petition is accordingly disposed of. No order as to costs.

28-02-2006

Prv