

(2018) 09 CHH CK 0347

Chhattisgarh High Court

Case No: Writ Petition (S) No. 6310 Of 2018

Kanta Kumar Sahu And Ors

APPELLANT

Vs

Jila Sahkari Kendriya Bank

RESPONDENT

Maryadit, Bilaspur (CG) And Ors

Date of Decision: Sept. 24, 2018

Acts Referred:

- Chhattisgarh Cooperative Societies Act, 1960 - Section 55(2)

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Praveen Das, Jitendra Gupta

Final Decision: Disposed Of

Judgement

P. Sam Koshy, J

1. On an identical set of facts arising out of the same dispute, this Court in Writ Petition (S) No. 4677 of 2015 had made the following observations on

20.4.2018:

2. After arguing for sometime, learned counsel for the petitioners, seeks permission of this Court to withdraw these petitions with liberty to move duly

constituted dispute before the jurisdictional Registrar under Section 55(2) of the C.G. Cooperative Societies Act, 1960.

3. Learned State counsel would inform that as per the Notification issued by the Registrar, the term ""Registrar"" occurring in Section 55(2) would

include the office of Joint Registrar or Deputy Registrar.

4. Since the petitioners have been bonafide litigating before this Court and thereafter, before the State Cooperative Tribunal, upon grant of liberty by

this Court, if the petitioners raise dispute under Section 55 (2), the concerned Registrar shall entertain the dispute on merits without raising the plea of limitation.

5. Accordingly, the writ petitions are dismissed, as withdrawn with the aforesaid liberty granted in favour of the petitioners.

6. The petitioners apprehend that the order of termination passed against the petitioners having its genesis in the enquiry report submitted by a team of Registrars, which in turn includes Additional Registrar or Joint Registrar, the persons, who were involved in the process of earlier enquiry, may not adjudicate the dispute with an open mind.

7. If the jurisdictional Deputy Registrar, before whom, the dispute would be raised by the petitioners pursuant to the termination order, was in any manner a party to the earlier enquiry, the petitioner would be at liberty to move an application before the Registrar, Cooperative Societies, Chhattisgarh for transferring the dispute to any other Deputy Registrar or Joint Registrar in the State, who was not party to the earlier enquiry.

8. In such eventuality, the Registrar, Cooperative Societies, Chhattisgarh, shall pass necessary orders to transfer the dispute to any other Deputy Registrar or Joint Registrar, who was not a party in the earlier enquiry.

2. Given the said stand taken by this Court in an identical situation, this Court is inclined to hold that the petitioner should also avail the remedy available to him under the provisions of the Cooperative Societies Act as referred hereinabove.

3. Needless to mention that in the process of hearing being conducted by the statutory authorities under the Act, they should not be influenced by any of their earlier decisions on administrative side which could be brought to their notice during the course of hearing. They would have to decide the matter promptly on the basis of evidence that would be collected during the course of hearing while deciding the matter. It is further expected that the authorities concerned would take prompt decision on the said dispute raised by the parties.

4. The writ petition accordingly stands disposed of.