

Court No. - 33

Case :- WRIT - A No. - 19430 of 2023

Petitioner :- Ravindra Kumar

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Sujeet Kumar Rai

Counsel for Respondent :- C.S.C.

Hon'ble J.J. Munir,J.

Against the removal order dated 17.08.2020 passed by the Secretary, Committee of Management, Kisan Sewa Sahkari Samiti Limited (now, Bahuudeshiya Gramin Prathmik Sahkari Samiti Limited), Modh Khurd, Block-Hastinapur, District-Meerut, the petitioner, an Accountant and the officiating Secretary of the Society, petitioned this Court by way of Writ A No. 4310 of 2023.

This Court taking note of the fact that the petitioner has a remedy of appeal under Regulation 18 of the U.P. Primary Agricultural Co-operative Societies, Employees Service Regulations, 2020 (*for short, 'the Rules of 2020'*) gave liberty to the petitioner to approach the Appellate Authority, who were directed to consider the petitioner's appeal and decide the same within a period of four months. By the impugned order dated 30.10.2023, the Assistant Commissioner and Assistant Registrar, Co-operative Societies, Meerut has held that there is no competent appeal presented on behalf of the petitioner under the Rules of 2020 and the District Administrative Committee, in any case, could not decide because the appeal would be beyond the limitation of thirty days.

In the circumstances, Mr. Roopesh Tiwari, learned Standing Counsel does not propose to file a counter affidavit.

Upon hearing learned Counsel for the petitioner, what this Court finds is that the petitioner moved an application which he thought was an appeal but it was not competently presented. An appeal before departmental fora unassisted by legal advice are always fraught with the risk of such mistakes being committed. The endeavour of an Authority should be to examine the merits of the case rather than decide on a technical rule, such as limitation or the form of appeal, unless the delay be inordinate or not condonable by law. That is not the case here.

In the circumstances, the impugned order dated 30.10.2023 passed by the Assistant Commissioner and Assistant Registrar, Co-operative Societies, Meerut is hereby **quashed** and it is ordered in case the petitioner presents a duly constituted appeal within fifteen days of date, the same shall be decided in terms of the orders of this Court dated 14.03.2023 passed in Writ A No. 4310 of 2023 within a period of four months of the receipt of a copy of this order and the appeal.

This petition is **allowed**.

Let this order be communicated to the Assistant Commissioner and Assistant Registrar, Co-operative Societies, Meerut by the Registrar (Compliance) **within 48 hours**.

Order Date :- 28.11.2023

Prashant D.