

GAHC010016722021



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/628/2021

MD. GAHAN CHA ALI AHMED
S/O LATE ALO ALI, R/O VILL. CHALANI KUCHI, P.O. BHAKATPARA, DIST.
DARRANG, ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECY. TO THE GOVT. OF
ASSAM, CO OPERATIVE SOCIETY DEPTT., DISPUR, GUWAHATI 06

2:THE REGISTRAR

CO OPERATIVE SOCIETY
KHANAPARA
GUWAHATI 22

3:THE JOINT REGISTRAR

CO OPERATIVE SOCITY
TEZPUR
ASSAM
PIN

4:THE ASSTT. REGISTRAR

CO OPERATIVE SOCIETIES OF MANGALDOI SUB DIVISION
MANGALDOI
P.O. MANGALDOI
DIST. DARRANG
ASSAM
PIN 784125

5:SHAHJAMAL
S/O CHAMAD KHA
R/O VILL. JOGIPARA
P.O. BALABARI
DIST. DARRANG
ASSAM
PIN 78419

Advocate for the Petitioner : MR A ALI

Advocate for the Respondent : SC, CO OP

Linked Case : WP(C)/20/2021

MD. GAHAN CHA ALI AHMED
S/O LATE ALO ALI
RESIDENT OF VILLAGE CHALANI KUCHI
PO BHAKATPARA
DIST DARRANG
ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM. CO OPERATIVE SOCIETY DEPARTMENT
DISPUR GUWAHATI 06

2:THE REGISTRAR
CO OPERATIVE SOCIETY
KHANAPARA
GUWAHATI 22

3:THE JOINT REGISTRAR
CO OPERATIVE SOCIETY
TEZPUR
ASSAM

4:THE ASSISTANT REGISTRAR
CO OPERATIVE SOCIETY OF MANGALDOI SUB DIVISION
MANGALDOI
DIST DARRANG
ASSAM 784125
5:SHAHJAMAL

S/O CHAMAD KHA
RESIDENT OF VILLAGE JOGIPARA
PO BALABARI
DIST DARRANG
ASSAM
784190

Advocate for : MR A ALI
Advocate for : SC
CO OP appearing for THE STATE OF ASSAM AND 4 ORS

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

06.05.2024

Shri A. Sarma, learned counsel appearing on behalf of Shri A. Ali, learned counsel for the petitioner.

2. Both the writ petitions filed by the same petitioner are more or less on the same subject with a prayer to set aside the appointment of the private respondent no. 5 as Secretary to the Bhaktapara SS Ltd. in the district of Darrang.
3. Be that as it may, Ms. MD Bora, learned Standing Counsel, Cooperation Department has however submitted that the same petitioner had subsequently filed a writ petition being WP(C)/3568/2023 with a prayer for release of salaries.
4. This Court has however dismissed the said writ petition vide an order dated 29.09.2023 by holding that though the Society would be a Body Corporate under the Assam Cooperative Societies Act, 2007, that by itself would not bring in a dispute for release of salaries in that case from the Society within the ambit of the writ jurisdiction of this Court. This Court had also made an observation that no opinion on merits of the respective parties was expressed.

5. The learned Standing Counsel has submitted that the petitioner is not an employee of the Department but was privately employed by the Society and therefore, the present writ petition would not be maintainable.

6. Following the analogy laid down by this Court in the order dated 29.09.2023 passed in WP(C)/3568/2023, this Court is of the opinion that the same would also apply for the present two cases which incidentally have been filed with the same cause of action.

7. Accordingly, both these writ petitions are dismissed on the ground that the dispute raised would not come within the ambit of a dispute amenable to the writ jurisdiction of this Court. However, no opinion has been expressed by this Court on the *inter se* merits of the rival parties.

8. It is needless to state that the petitioner would be at liberty to approach appropriate forum for redressal of his grievance.

9. The writ petition stands disposed of.

JUDGE

Comparing Assistant