

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 6007 of 2011**

District Co-operative Central Bank Ltd. Bilaspur, through the Chief Executive Officer, District Cooperative Central Bank Ltd., Bilaspur, Chhattisgarh

**---- Petitioner**

**Versus**

1. State Government of Chhattisgarh, through the Secretary Department of Co-operative Societies, DKS Bhawan, Raipur, Chhattisgarh
2. Pension Redressal Committee, through its Member Secretary, Department of General Administration, Government of Chhattisgarh, DKS Bhawan, Raipur, Chhattisgarh
3. Additional Registrar, Co-operative Societies, Chhattisgarh, Raipur
4. Joint Registrar, Co-operative Societies, Chhattisgarh, Raipur
5. Deputy Registrar, Co-operative Societies, Bilaspur, District Bilaspur (C.G.)
6. Vijay Singh Thakur, S/o Bhuwaneswar, retired Accountant R/o Krishna Nagar Ward, near Shankar flour Mill, Juna Bilaspur, Tehsil and District Bilaspur, Chhattisgarh

**---- Respondents**

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| For Petitioner       | None for the petitioner.      |
| For Respondent/State | Mr. Majid Ali, Panel Lawyer   |
| For Respondent No.6  | Mr. Sushobhit Singh, Advocate |

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**Hon'ble Shri Justice Prashant Kumar Mishra**  
**Order On Board**

**24/08/2015**

In the present petition under Article 227 of the Constitution of India, the petitioner – Bank has prayed for summoning the records of W.P. No.5740 of 2005 and W.P.(S) No.880 of 2007 and to issue fresh directions to respondent No.2, the Pension Redressal Committee to examine the matter in terms of the provisions contained in Payment of Gratuity Act, 1972.

(2) Perusal of the pleadings and papers annexed to the writ petition would indicate that respondent No.6 had preferred an application under Section 64 of the C.G. Co-operative Societies Act, 1960 before the Deputy Registrar, Cooperative Societies for grant of benefit of leave encashment and gratuity. The Deputy Director allowed his claim to the tune of Rs.1,89,770/-, against which, the first and second appeals preferred by the petitioner – Bank before the Joint Registrar and the Registrar Co-operative Societies, were dismissed vide orders dated 21.10.2004 and 27.04.2005 respectively.

(3) Respondent No.6 subsequently preferred W.P.(S) No.880 of 2007, in which, this Court passed an order on 07.05.2008 referring the matter to the Pension Redressal Committee. The present impugned order has been passed by the Pension Redressal Committee observing that since the authorities constituted under the Cooperative Societies Act have already examined the issue, the Bank should comply with the orders.

(4) In the considered opinion of this Court, the petitioner's remedy lies in challenging the order passed by the Registrar, Cooperative Societies on 27.04.2005. The Pension Redressal Committee has not passed any fresh order in the matter, but has only observed that the Bank should comply with the orders passed by the authorities under the Cooperative Societies Act.

(5) In view of the above, the writ petition is dismissed, as not maintainable.

Sd/-

Judge

**(Prashant Kumar Mishra)**