

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****W.P.(S) No. 6448 of 2007**

Malik Ram Dahariya S/o Itwari Ram Dahariya, Salesman, Seva
Sahakari Samiti Maryadit, Tikari, Tehsil - Masturi, District - Bilaspur
(C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, Department of Cooperative Societies, Mantralaya, D.K.S. Bhawan, Raipur (CG)
2. Seva Sahakari Samiti Maryadit Tikari through its Secretary/President, Tehsil- Masturi, District - Bilaspur (C.G.)
3. District Sahakari Samiti Maryadit through its Branch Manager, Branch - Masturi, District - Bilaspur (C.G.)
4. Deputy Registrar, Cooperative Societies, District - Bilaspur (C.G.)
5. District Central Cooperative Bank, Bilaspur, through its General Manager, Bilaspur (CG)
6. Joint Registrar, Cooperative Societies, Bilaspur (C.G.)

---- Respondents

For Petitioner	:	Shri Sudeep Agrawal, Advocate
For Respondents/State	:	Shri Bhupendra Singh, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****17/09/2015**

Challenge in the present writ petition is to the order dated 25.11.2005 Annexure P12 whereby the respondents have passed a resolution for terminating the services of the petitioner from the post of salesman pursuant to an enquiry wherein certain alleged charges have been found to be proved against the petitioner.

2. Without entering into the merits of the case, counsel for the State raised an objection in respect of the maintainability of the writ petition on the ground of there being an alternative efficacious remedy under the provisions of Cooperative Societies Act available to the petitioner. Counsel for the State submitted that the impugned order being an appealable order provided under the Cooperative Societies Act and there

being an alternative efficacious remedy available to the petitioner, the present writ petition in its present nature would not be maintainable. He submitted that if at all the petitioner has any grievance, he may approach the competent Authorities under Section 64 of the Cooperative Societies Act.

3. At this juncture, counsel for the petitioner submits that since considerable period of time has been spent in the writ petition, if the petitioner approaches the Authorities under the Co-operative Societies Act, the question of limitation may come in his way.

4. Considering the submissions made on either side this Court is of the opinion that without entering into the merits of the case it would be appropriate if the petitioner is permitted to challenge the impugned order before the competent Authorities under the provisions of the Chhattisgarh Cooperative Societies Act as it has a specific provision for redressal of such disputes and also a provision for appeal and second appeal against the order passed by the Deputy Registrar, Co-operative Societies, Bilaspur.

5. Accordingly, the writ petition is not maintainable on the ground of having alternative efficacious remedy available to the petitioner.

6. However, it is directed that if the petitioner approaches the competent Authorities within a period of 30 days from today, the period spent in pursuing the writ petition shall not come in the way while determining the period of limitation in approaching the Authorities under the Chhattisgarh Cooperative Societies Act.

7. The Writ Petition accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
JUDGE