

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2031 of 2016

Ajit Singh S/o. Late Shri Vijay Shankar Singh, Aged About 38 Years Presently Working As Nodal Officer District Central Co- Operative Bank Surajpur Dist. Ambikapur, Civil & Revenue District Ambikapur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through : The Secretary, Department Of Cooperative Societies, Mahanadi Mantralay, Naya Raipur, P.O. & P.S. Naya Raipur, District Raipur (Chhattisgarh)
2. Registrar, Cooperative Society, Raipur (Chhattisgarh)
3. Collector, District Surajpur (Chhattisgarh)
4. District Cooperative Central Bank Limited, Ambikapur, Through Its Chief Executive Officer, District Sarguja (Chhattisgarh)
5. Ram Deo Ram, Chairman Cooperative Central Bank Limited, Ambikapur, District Sarguja (Chhattisgarh)

---- Respondents

Shri V.K.Pandey, counsel for the petitioner/s.
Shri D.R.Minj, Dy.G.A. for the State.
Shri Rakesh Pandey, counsel for respondent No.4.
Shri Dashrath Prajapati, counsel for respondent No.5.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

02/08/2016

Heard on admission.

The petitioner has filed this petition aggrieved by the transfer order dated 11/05/2016 by which, representation against transfer has been rejected.

2. Learned counsel for the petitioner argued that the petitioner is a victim of frequent transfers. It is also submitted that the transfer order was actuated by malafide of respondent No.5, the Chairman of the Bank. According to learned counsel for the petitioner, vide order dated 21/02/2015, the petitioner was

transferred from Dhourpur to Head Office at Ambikapur. After seven months, he was again transferred from Ambikapur to Surajpur and posted as Nodal Officer vide order dated 15/09/2015. Thereafter, the petitioner was again transferred from Surajpur to branch Charcha, District – Koriya vide order dated 29/03/2016. When representation was made, respondent No.3 directed cancellation of transfer order on 30/03/2016. Thereafter, the petitioner filed a writ petition which was disposed off vide order dated 29/04/2016 directing consideration of representation. However, it is argued that representation has been rejected without due consideration of allegation of malafides and frequency of transfer. The allegation is that the petitioner is the brother-in-law of one Smt. Ranju Singh. The nomination paper was rejected on the ground that the relative of the proposer i.e. present petitioner was one of the employee of the Bank. The sister-in-law of the petitioner challenged rejection and in that case, respondent No.5 was impleaded as party. In these background, respondent No.5 was nurturing ill-will and malafide and he transferred the petitioner.

3. In the return filed by the respondents, it has been stated that the order of posting was necessitated in view of memo dated 22/03/2016 of the Deputy Registrar, Cooperative Societies, Surajpur. Referring to the averments made in the return and documents, it is submitted that the petitioner was placed under suspension many times, punishment was imposed and was arrested in connection with criminal case. The petitioner was issued notice by the Collector for not attending meetings. There is serious allegation of financial irregularities, in which the petitioner withdrew Rs.24,98,000/- from the account of the farmers. Complaints were made to the higher authorities in the State against the petitioner. The Managing Director of the C.G. Cooperative Societies Panchayat Ltd. directed the Chief Executive Officer of the Bank to submit report.

4. Considering the aforesaid submission of learned counsel for the parties and the reasons assigned for shifting the petitioner from the present place of posting to another place, I do not find it a fit case for admission as the transfer order appears to have been passed in exigency of service. Therefore, the petition is dismissed. Interim order passed by this Court is vacated.

Sd/-

(Manindra Mohan Shrivastava)
Judge