

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3211 of 2016**

Abdul Wahab Khan S/o Sarwar Khan, Aged About 55 Years R/o
 Pandit Din Dayal Ward, Jagdalpur, Tahsil Jagdalpur Civil And
 Revenue District Bastar, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Cooperative Societies Department Of Revenue, Mahanadi Bhavan, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh).
2. The Registrar, Cooperative Societies, Pension Bada Raipur District Raipur, Chhattisgarh.
3. Joint Registrar, Cooperative Societies, Jagdalpur, Chhattisgarh.
4. District Cooperative Federation Limited, Jagdalpur, Chhattisgarh.

...Respondents

For petitioner	:	Mr. Hemant Kesharwani, Advocate.
For State	:	Mr. S.P. Kale, Dy. A.G., on advance copy

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****28/07/2016**

Heard on admission.

1. This petition under Article 226/227 of the Constitution of India is preferred against order dated 17.03.2016 by which Chhattisgarh State Co-operative Tribunal has dismissed the appeal of the petitioner.
2. Submission of learned counsel for the petitioner is that the petitioner while working in the employment of respondent No.4, was regularized in service vide order dated 22.03.1991. Thereafter, his services were placed at the disposal of Joint Registrar, Co-operative Societies at Jagdalpur wherein he continued for several years until he resigned from service in the year 2010.

3. Learned counsel for the petitioner contended that as the petitioner had continued in the services of Joint Registrar, Co-operative Societies at Jagdalpur, he was entitled to be absorbed/ regularized in Government Service. According to the petitioner, in a similar case of one Nadguram, who was working in the federation, he was sent on deputation to the office of respondent No.3/ Joint Registrar, Co-operative Societies, Jagdalpur and later on, he was absorbed in the Co-operative Department. When the petitioner's claim was not considered, the petitioner preferred several rounds of litigation before this Court. The Co-operative Tribunal has not appreciated the aforesaid ground and has dismissed the appeal on considerations that the appeal is barred by limitation.

4. I have gone through the order passed by the Co-operative Tribunal. Though the Tribunal at the end of his conclusion also recorded a finding of appeal being barred by limitation, I find that otherwise, the Tribunal has meticulously examined the merits of the case and has recorded findings against the petitioner.

5. Undisputed facts which are borne out from the order of the Tribunal and the pleadings of the present case are that the petitioner was initially appointed in the services of District Co-operative Federation Limited Jagdalpur. Later on, the services of the petitioner were regularized on 22.03.1991 by an order of the competent authority of the Federation. While matter stood thus, as it borne out from the impugned order, there was no work left for the petitioner in the Co-operative Federation and therefore, the petitioner was attached in the office of the Joint Registrar Co-operative Societies at Jagdalpur. On petitioner's own showing, he continued in the office of Joint Registrar Co-operative Societies in that capacity. The petitioner finally resigned from his service in the year 2010. During this period, he did not raise any grievance nor filed any petition nor initiated any proceeding in any other Forum claiming regularization. The impugned order also shows that after quitting from service by resignation, entire retiral dues were also paid to the petitioner by the Federation. In para 9 of the impugned order, it has been recorded that the total amount of Rs.65,263/- was paid to the petitioner. The petitioner also received all the dues of CPF Account, amounting to Rs.22,071/- on 10.4.2010. The impugned order also records that all the dues were paid to the petitioner treating him as employee of respondent No.4 the federation as he was never absorbed in Government Service.

6. Well after three years, he having resigned from service and received all the dues, the petitioner filed petition before this Court. The petitioner claimed absorption/regularization in Government Service a perusal of order dated 03.10.2013 passed in the first petition (WPS No.3226/2013) shows that the petitioner misled the Court as if he was continued in service whereas he has already resigned in the year 2010 and received all the dues without any protest. Under the directions of this Court, the Registrar, Co-operative Societies also considered the representation of the petitioner and no merit was found and therefore, rejected on 03.02.2014. The second petition filed by the petitioner bearing WPS No.1249/2014 came to be dismissed as withdrawn with liberty to challenge order dated 03.02.2014. The petitioner then challenged the order by filing another writ petition (WPS No.3991/2015) which was disposed off with liberty to approach the Co-operative Tribunal vide order dated 18.11.2015.

7. The Co-operative Tribunal upon scrutiny of the complete records and particularly taking into consideration that the petitioner started raising all claims only after he resigned from service and received all the dues without any objection has found on merits that the petitioner has no case.

8. This Court finds no reason to interfere with the order passed by the Co-operative Societies and the Co-operative Tribunal also. The petition is therefore without any merit and is dismissed at motion hearing stage itself.

Sd/-
(Manindra Mohan Shrivastava)
J U D G E