

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 6401 OF 2015.

Prakash Duyandeo Dhoran and others. ..vs.. The State of Mah. and ors.

WRIT PETITION NO. 6351 OF 2015.

Mah.Rajya Sahakari Krushi Va Gramin Bahuudeshiya Vikas Bank
Karmachari Mahasangh Malkapur

..vs..

The State of Mah. and ors.

WRIT PETITION NO. 6088 OF 2015.

Vasanta Nagorao Tidke and ors.. ..vs.. The State of Mah. and ors.

WRIT PETITION NO. 6174 OF 2015.

Bandu Amrutrao Sonawane and ors.. ..vs.. The State of Mah. and ors.

WRIT PETITION NO. 6406 OF 2015.

Harihar Janardhan Vidhale and ors. ..vs.. The State of Mah. and ors.

WRIT PETITION NO. 6449 OF 2015.

Suresh Shankar Tadam and ors.. ..vs.. The State of Mah. and ors.

WRIT PETITION NO. 6527 OF 2015.

Kailash Devcdhand Tayade and ors. ..vs.. The State of Mah. and ors.

WRIT PETITION NO. 6477 OF 2015.

Rajendraprasad Narayanprasad Mishra & ors...vs.. The State of Mah.& ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr.R.D.Karode, Advocate for the petitioners in
W.P.No.6401 of 2015, W.P.No.6406/2015, W.P.No.6449
of 2015 and W.P.No.6527 of 2015.

Mr.S.S.Shingane, Adv. for petitioner in W.P.No.6351 of 2015.

Mr.Anand Parchure, Adv. for petitioners in W.P.No.6088 of 2015 and W.P.No.6174 of 2015.

Mr.G.S.Patil Adv. h/f for Mr.A.J.Thakkar, Adv. for the petitioners in W.P.No.6477 of 2015.

Mr.A.Z.Fulzele and Mr.A.V.Palshikar, AGPs for respondent nos.1 & 2.

**CORAM : B.P.DHARMADHIKARI AND
P.N.DESHMUKH, JJ.**

DATED : MARCH 21, 2016.

Petitioners, who are employees of the District Agricultural Banks are before this Court. They point out that on 24th of July, 2015 State Government has taken a policy decision whereby the staff required for handling day to day affairs to facilitate liquidation need to be continued and those, whose services are not required can be terminated by paying them their terminal benefits.

Contrary to this, on 31st of October, 2015 the Commissioner for Cooperation and Registrar has sent a communication to respective liquidators to terminate the services of petitioners and to employee staff on contract basis in their places.

Advocate Shri Parchure, Advocate Shri Shingane, Advocate Shri Karode and Advocate Shri G.S.Patil submit that in this situation the Commissioner for Cooperation cannot act contrary to the Government Resolution and services of petitioners need to be protected.

Advocate G.S.Patil points out that Advocate

Shri Thakkar, who appears for petitioner in Writ Petition No.6477 of 2015, is indisposed and he is seeking an adjournment. As we have heard the matters for quite some time, without prejudice to said request, he has only assisted the Court in the matter.

We find that this Court has on 27th of November, 2015 in Writ Petition No.6401 of 2015 while issuing notice directed parties to maintain status quo. Similar interim orders are also passed in other matters. Advocate Shingane points out that in Writ Petition No.6351 of 2015 filed by Union, there is no interim order. However, according to him, interim orders are operating in other matters, no interim orders are required to be passed in this matter.

Respective counsel for the petitioners submit that there is no explanation on record by Commissioner of Cooperation as to how he can supersede the directives issued by the State Government.

During hearing Shri Shingane points out that at Amravati Bank few contract employees have also been employed. Advocate Shri Karode makes a grievance that inspite of interim orders, liquidators of Buldhana and Amravati banks have not permitted employees to work.

Learned Assistant Government Pleaders are strongly opposing the petition. They state that final liquidation orders are passed and bank cannot continue

and employees need to be terminated.

The liquidation orders appear to be passed way back in the year 2013 and the Government Resolution dated 24th of July, 2015 is more than two years thereafter. In said G.R. vide clause 'C' the State Government has asked for clearance of wages and terminal benefits of employees in preference if they are to be terminated. There is also direction to continue the staff as found essential to complete liquidation proceedings. It is directed that gradually when work reduces, their services can also be dispensed with.

It is not the case of respondents that liquidation work of any of the banks has been completed. Prima facie, it appears that all petitioners were working on 24th of July, 2015 when the State Government took a policy decision. No change in situation thereafter has been pointed out to this Court by any of the respondents. Commissioner for Cooperation has on 31st of October, 2015 directed that employees of banks finally in liquidation and against which no petitions were pending in High Court should be immediately relieved. He has pointed out number of such banks to be eleven. It is further stated that the concerned liquidator should, if necessary, proceed to appoint staff on contract basis on fixed salary.

The inconsistency in this communication dated 31st of October, 2015 and G.R. Dated 24th of July,

2015 is apparent. The Commissioner could not have directed termination of staff, if State Government has already made some arrangement.

Learned AGP wants to rely on the provisions of Cooperative Societies Act to urge that once order of liquidation is issued, the operations of co-operative Society come to standstill and the employees are automatically terminated. However, the State Government has taken a policy decision consciously more than two years after the so-called final liquidation order.

In this situation, we find that interest of justice can be met with by directing respondents to continue such of the petitioners as were in employment on 24th of July, 2015 and to deal with their services, as stipulated therein.

It is open to respondents to take an appropriate policy decision in this respect or to modify the policy decision already taken, in accordance with law.

With these directions and keeping all rival contentions open, we dispose of petitions. No costs.

JUDGE

JUDGE

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