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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition No.2929 of 2003**

Prabandhak, Zila Sahakari Kendriya Bank Maryadit, Raigarh, A Co-operative Bank duly Registered under Regn. No.9 Dated 21.03.49 having its Office at Gandhi Pratima Chowk, Raigarh, Tahsil and District Raigarh (CG).

---- Petitioner**Versus**

1. Karunakar Pradhan, S/o Shri Dewadhi Pradhan, aged about 44 years, Ex-Samiti Prabandhak, Admi Jati Sewa Sahakari Samiti, Jobi, R/o Village and Post Loing Tahsil and District Raigarh (CG).

1.1 Zila Sahakari Kendriya Bank Maryadit, Raigarh bearing Registration No.9 dated 21.03.49 having its office at Gandhi Pratima Chowk, Raigarh, through the Official Liquidator being the Collector, Raigarh (CG).

2. Registrar, Co-operative Societies, Chhattisgarh, Labhandi, Raipur (CG).

3. Joint Registrar, Co-operative Societies In the Office of the Registrar, Co-operative Society, Chhattisgarh, Raipur, Labhandi, Raipur (CG).

--- Respondents

For Petitioner : Mr. Soumya Rai, Advocate
For State/Respondents : Mr. Gary Mukhopadhyay, Dy.G.A., Ms. Hamida Siddiqui and Mr. Raghvendra Verma, Advocates

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****20/09/2017**

Heard.

(1) Respondent No.1-Karunakar Pradhan was dismissed from service by the competent authority vide order dated 21.09.1998. Against that order, he preferred a service dispute before the Deputy Registrar, Co-operative Societies, Raigarh under Section 55(2) of the Chhattisgarh

Co-operative Societies Act, 1960, which has been rejected by order dated 23.11.2002, against which he preferred an appeal before the appellate authority under Section 77(2) of Co-operative Societies Act, 1960. The Appellate Authority has allowed the appeal setting-aside the order of dismissal dated 21.09.1998 by order dated 30.06.2003.

(2) Questioning the order dated 30.06.2003 passed by the appellate authority, this writ petition has been filed by the petitioner herein.

(3) Learned counsel appearing for the petitioner would submit that the impugned order dated 30.06.2003 passed by the Appellate Authority is unsustainable and bad-in-law.

(4) Learned counsel appearing for the respondent No.1 would submit that the order passed by the Appellate Authority i.e. Joint Registrar, Co-operative Societies, strictly in accordance with law, therefore, the instant petition is liable to be rejected.

(5) I have heard learned counsel for the parties, considered their rival submissions and also gone through the impugned order with utmost circumspection.

(6) The Joint Registrar, Cooperative Societies has clearly recorded a finding that the Manager was not a competent authority for passing the order of dismissal against the respondent No.1. That could have been done by the Chief Executive Officer with the leave of the Competent Officer/President of the Board. That finding has not been shown to be perverse on the face of record and as such, I do not find

any jurisdictional error in the impugned order.

(7) Consequently, the writ petition deserves to be and is accordingly dismissed. No order as to costs.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-