

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3991 of 2017

Champat Lal Nayak S/o Shri Mrulidhar Nayak Aged About 52 Years R/o Village Parsada, Post Bundili, Thana Tendukona, Civil And Revenue District Mahasamund, Chhhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Food, Civil Supply And Consumer Protectin, Mantralya Mahanadi Bhawan, Capital Complex New Raipur, District Raipur, Chhattigarh.
2. Registrar,co-Operative Societies, Raipur, Devendra Nagar Raipur, Chhattisgarh.
3. Deputy Registrar, Co-Operative Society, Mahasamund, District Mahasamund, Chhattisgarh.
4. President, Gramin Sahkari Samiti Maryadit, Behind, Registration No 1173, Police Station & Tahsil- Pithoura, District- Mahasamund, Chhattisgarh.

---- Respondents

Shri Sunil Sahu, counsel for the petitioner/s.
Shri A.S.Kachhawaha, Addl. A.G. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/08/2017

By this petition, the petitioner seeks to challenge correctness and validity of correspondence dated 21/02/2017 of the Deputy Registrar addressed to the Co-operative Society. The petitioner has also assailed legality and validity of resolution dated 11/07/2017 by which the petitioner's services have been dispensed with.

2. As far as the order terminating daily wage employment of the petitioner is concerned, it would be a service of the Society for which the petitioner has an alternative remedy of filing service dispute under Section 55 (2) of the Cooperative Societies Act as he is aggrieved by an order of termination passed

by the Cooperative Society.

3. Challenge to correspondence dated 21/02/2017 is based on the ground that the enquiry report, on the basis of which communications have been made, does not indict the petitioner and there is nothing in the report to show that the petitioner was responsible for alleged shortages.

4. It is apparent that till date, no action has been initiated against the petitioner by the concerned Cooperative Society towards recovery. The internal correspondence dated 21/02/2017 of the Deputy Registrar directing the Society to take appropriate action in accordance with law against those who are responsible for causing pecuniary loss to the Society. The subject of the correspondence shows that the petitioner is alleged to be involved in the matter.

In any case, if there is any recovery proposed from the petitioner as mentioned in letter dated 21/02/2017, it will have to be done only in accordance with law. If any proceedings of recovery are drawn against the petitioner by the Society and if the petitioner finds that the recovery proceedings are contrary to the proceedings under the law, it will be open for the petitioner to challenge the same.

5. With the aforesaid liberty, the petition is finally disposed off.

**Sd/-
(Manindra Mohan Shrivastava)
Judge**