

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1868 of 2017

- Rakesh Kumar Tiwari S/o Late Moolchand Tiwari, Aged About 27 Years R/o Shubham Vihar, Mungeli Road, Bilaspur, District Bilaspur (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through : Secretary, Cooperative, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur (Chhattisgarh).
2. Registrar, Cooperative Societies, Raipur, District Raipur (Chhattisgarh).
3. Joint Registrar, Cooperative Societies, Bilaspur Division, District Bilaspur (Chhattisgarh).
4. Deputy Registrar, Cooperative Societies, Bilaspur Division, District Bilaspur (Chhattisgarh).
5. Chief Executive Officer, District Cooperative Central Bank Limited, Head Office, Bilaspur, District Bilaspur (Chhattisgarh).
6. District Cooperative Central Bank Limited, Through Its Chief Executive Officer, Head Office, Bilaspur, District Bilaspur (Chhattisgarh).

---- Respondent

And

WPS No. 1870 Of 2017

- Ashish Kumar Sharma S/o. Rajendra Sharma, Aged About 31 Years R/o. Ward No. 1, Near Govt. Higher Secondary School, Baradwar, District Janjgir Champa (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through : Secretary, Cooperative, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur (Chhattisgarh).
2. Registrar, Cooperative Societies, Raipur, District Raipur

(Chhattisgarh).

3. Joint Registrar, Cooperative Societies, Bilaspur Division, District Bilaspur (Chhattisgarh).
4. Deputy Registrar, Cooperative Societies, Bilaspur Division, District Bilaspur (Chhattisgarh).
5. Chief Executive Officer, District Cooperative Central Bank Limited, Head Office, Bilaspur, District Bilaspur (Chhattisgarh).
6. District Cooperative Central Bank Limited, Through Its Chief Executive Officer, Head Office, Bilaspur, District Bilaspur (Chhattisgarh).

---- Respondent

And

WPS No. 1878 Of 2017

- Alok Kumar Shukla S/o. Kamlesh Shukla, Aged About 27 Years R/o F-5, Parijat Colony, Nehru Nagar, Bilaspur, District Bilaspur (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through : Secretary, Cooperative, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur (Chhattisgarh).
2. Registrar, Cooperative Societies, Raipur, District Raipur (Chhattisgarh).
3. Joint Registrar, Cooperative Societies, Bilaspur Division, District Bilaspur (Chhattisgarh).
4. Deputy Registrar, Cooperative Societies, Bilaspur Division, District Bilaspur (Chhattisgarh).
5. Chief Executive Officer, District Cooperative Central Bank Limited, Head Office, Bilaspur, District Bilaspur (Chhattisgarh).
6. District Cooperative Central Bank Limited, Through Its Chief Executive Officer, Head Office, Bilaspur, District Bilaspur (Chhattisgarh).

---- Respondent

And

WPS No. 1872 OF 2017

- Sachin Kumar Chourasia S/o Deenanath Chourasia, Aged About 26 Years R/o Quarter No. B/ 75, Ompur, Post Rajgamar, Korba, District Korba (Chhattisgarh).

---- Petitioner

Vs

1. State Of Chhattisgarh Through : Secretary, Cooperative, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur (Chhattisgarh).
2. Registrar, Cooperative Societies, Raipur, District Raipur (Chhattisgarh).
3. Joint Registrar, Cooperative Societies, Bilaspur Division, District Bilaspur, (Chhattisgarh).
4. Deputy Registrar, Cooperative Societies, Bilaspur Division, District Bilaspur (Chhattisgarh).
5. Chief Executive Officer, District Cooperative Central Bank Limited, Head Office, Bilaspur, District Bilaspur (Chhattisgarh).
6. District Cooperative Central Bank Limited, Through Its Chief Executive Officer, Head Office, Bilaspur, District Bilaspur (Chhattisgarh).

---- Respondent

And

WPS No. 1871 OF 2017

- Sarita Pandey D/o. Yashwant Prasad Pandey, Aged About 25 Years R/o. D/127, Alakhnanda Vihar, C S E B Colony (West), Darri, Korba, District Korba (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through : Secretary, Cooperative, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur (Chhattisgarh).
2. Registrar, Cooperative Societies, Raipur, District Raipur (Chhattisgarh).
3. Joint Registrar, Cooperative Societies, Bilaspur Division, District Bilaspur (Chhattisgarh).

4. Deputy Registrar, Cooperative Societies, Bilaspur Division, District Bilaspur (Chhattisgarh).
5. Chief Executive Officer, District Cooperative Central Bank Limited, Head Office, Bilaspur, District Bilaspur (Chhattisgarh).
6. District Cooperative Central Bank Limited, Through Its Chief Executive Officer, Head Office, Bilaspur, District Bilaspur (Chhattisgarh).

---- Respondent

For Petitioner	Mr. Manoj Paranjpe, Advocate
For Respondent/State	Ms. Sunita Jain & Mr. Arvind Dubey, Panel Lawyers,
For Respondent/ District Cooperative Central Bank Ltd.	Mr. Jitendra Shrivastava, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

20/4/2017

1. Heard.
2. After arguing for sometime, learned counsel for the petitioners, seeks permission of this Court to withdraw these petitions with liberty to move duly constituted dispute before the jurisdictional Registrar under Section 55(2) of the C.G. Cooperative Societies Act, 1960.
3. Learned State counsel would inform that as per the Notification issued by the Registrar, the term "Registrar" occurring in Section 55(2) would include the office of Joint Registrar or Deputy Registrar.
4. Since the petitioners have been bonafidely litigating before this Court and thereafter, before the State Cooperative Tribunal, upon grant of liberty by this Court, if the petitioners

raise dispute under Section 55(2), the concerned Registrar shall entertain the dispute on merits without raising the plea of limitation.

5. Accordingly, the writ petitions are dismissed, as withdrawn with the aforesaid liberty granted in favour of the petitioners.
6. The petitioners apprehend that the order of termination passed against the petitioners having its genesis in the enquiry report submitted by a team of Registrars, which in turn includes Additional Registrar or Joint Registrar, the persons, who were involved in the process of earlier enquiry, may not adjudicate the dispute with an open mind.
7. If the jurisdictional Deputy Registrar, before whom, the dispute would be raised by the petitioners pursuant to the termination order, was in any manner a party to the earlier enquiry, the petitioner would be at liberty to move an application before the Registrar, Cooperative Societies, Chhattisgarh for transferring the dispute to any other Deputy Registrar or Joint Registrar in the State, who was not party to the earlier enquiry.
8. In such eventuality, the Registrar, Cooperative Societies, Chhattisgarh, shall pass necessary orders to transfer the dispute to any other Deputy Registrar or Joint Registrar, who was not a party in the earlier enquiry.
9. At this stage, Mr. Mateen Siddique, learned counsel for the petitioners in WPS No.1820 of 2017 and other connected writ petitions, which were decided by a common order dated

18.04.2017, would appear and inform that this Court has disposed of the aforesaid writ petitions on 18.04.2017, however, the liberty to move application for transfer of the dispute, before the Registrar, Cooperative Societies, Chhattisgarh, has not been allowed in favour of those petitioners.

10. After hearing learned counsel for the parties, it is directed that the liberty granted in the present petitions to move before the Registrar for transferring of the dispute to any other Deputy Registrar or Joint Registrar, shall also apply in WPS No.1820 of 2017 and other connected writ petitions, decided by a common order on 18.04.2017.

Sd/-

Judge

(Prashant Kumar Mishra)