

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**LETTERS PATENT APPEAL NO.24 OF 2014
IN
WRIT PETITION NO.1520 of 1993**

**Pandurang Narayandas Sarda : Appellant/Petitioner.
Versus
The State of Maharashtra and ors. : Respondents.**

**Mrs. Seema Chopda for the Appellant.
Mr. Sandip Babar, AGP, for the Respondent-State.**

**CORAM : R. M. SAVANT &
SMT. SADHANA S JADHAV, JJ.
DATE : 30th JUNE 2017**

P.C.

1 The above Letters Patent Appeal has been filed by the original Petitioner in the Writ Petition challenging the order dated 08/10/2010 passed by a learned Single Judge of this Court (A.S.Oka,J) dismissing the said Writ Petition.

2 The subject matter of the said Writ Petition was the order dated 26/03/1993 passed by the District Deputy Registrar of Co-operative Societies by which order the District Deputy Registrar of Co-operative Societies had accorded approval to the resolution dated 09/11/1990 passed by the Board of Directors of the Respondent No.3 Bank by which resolution the services of the

Petitioner as a Branch Manager were terminated.

3 In so far as the grant of approval by the District Deputy Registrar of Co-operative Societies is concerned, the same has had chequered history inasmuch as in the first round the application filed by the Respondent No.3 Bank was rejected by the District Deputy Registrar of Co-operative Societies by order dated 02/07/1991. This resulted in the Respondent No.3 Bank challenging the said decision by way of a Revision before the Divisional Joint Registrar of Co-operative Societies, Pune. The Divisional Joint Registrar partly allowed the said Revision and set aside the order passed by the District Deputy Registrar of Co-operative Societies and remanded the matter back to the District Deputy Registrar of Co-operative Societies for consideration of the application for Review dated 06/08/1991 by giving opportunity to the parties. However, since after the District Deputy Registrar of Co-operative Societies had rejected the application filed by the Respondent No.3 Bank vide the said order dated 02/07/1991 a Review Application was filed on 06/08/1991 by the Respondent No.3 Bank, the issue that was therefore raised on behalf of the Petitioner was whether the remand was to hear the Review or the original Application for approval. The learned Single Judge having regard to the order passed by the Division Bench dated 03/03/1993 held that the Division Bench had modified the order passed by the District Deputy Registrar of Co-operative Societies by directing the reinstatement of the Petitioner and also directing the

payment of back-wages, and had also directed the de-novo consideration of the application for approval. The relevant excerpts from the order passed by the Divisional Joint Registrar as also the order passed by the Division Bench of this Court have been reproduced in the order passed by the learned Single Judge in paragraphs 10 and 13 of the said order.

4 However, during the course of hearing of the above Letters Patent Appeal the learned counsel for the Appellant Mrs. Chopda fairly conceded that the Appellant is not raising the said issue and that the Appellant is questioning the order passed granting the approval to the resolution passed by the Respondent No.3 Bank terminating the services of the Appellant/Petitioner. The learned counsel appearing on behalf of the Appellant Mrs.Chopda would contend that the notice of hearing before the District Deputy Registrar of Co-operative Societies was a short notice and therefore the Petitioner could not effectively plead his case before the District Deputy Registrar of Co-operative Societies. It was the submission of the learned counsel Mrs. Chopda that the documents on which reliance was placed on behalf of the Respondent No.3 Bank were also not furnished to the Petitioner. The said contention as the impugned order discloses were also urged before the learned Single Judge and have been negatived by the learned Single Judge by stating the reasons for the same. We are in respectful agreement with the findings recorded by the learned Single Judge on the said issues.

5 In so far as the Appellant is concerned, a very serious charge of misappropriation and default in taking action for recovery of loan advanced to the Appellant and his family members is levied against him. It is having regard to the said conduct of the Appellant that the Respondent No.3 Bank had lost confidence in the Appellant who was as indicated above was occupying the post of Chief Executive/Manager at the Head Office of the Respondent No.3 Bank. Hence the view taken was that having regard to the fact that the Respondent No.3 Bank had lost its confidence in the Appellant, no inquiry was necessitated. In terms of the bye-laws of the Respondent No.3 Bank, the resolution of the nature passed by the Respondent No.3 Bank terminating the services of the Appellant is required to be approved by the District Deputy Registrar of Co-operative Societies in terms of bye-law No.39(1)(6) of the bye-laws of the Respondent No.3 Bank. The District Deputy Registrar of Co-operative Societies has taken into consideration the fact that the Respondent No.3 Bank had lost confidence in the Appellant and thereafter has accorded the approval to the said resolution passed by the Respondent No.3 Bank. The learned Single Judge has by dismissing the above Writ Petition confirmed the order passed by the District Deputy Registrar. We do not find any infirmity in the order passed by the learned Single Judge.

6 In our view, therefore, no case for exercise of the jurisdiction

under the Letters Patent is made out. The above Letters Patent Appeal is accordingly dismissed.

[SMT. SADHANA S JADHAV, J]

[R.M.SAVANT, J]