

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 231 of 2018

- Zila Sahkari Kendriya Bank Maryadit Bilaspur Through The Board Of Directors, Zila Sahkari Kendriya Bank Maryadit, Bilaspur Nehru Chowk, District Bilaspur Chhattisgarh

---- Appellant

Versus

1. Chhattisgarh Rajya Sahkari Bank Maryadit Raipur Through Managing Director, C.G. Rajya Sahkari Bank, Pandari Raipur Chhattisgarh
2. Shri Munnaram Rajwade, S/o Dhansai Rajwade, Aged About 45 Years R/o Village Katbetila, Kartala, Urga, Tahsil Korba, Police Station Urga (Korba), District Korba Chhattisgarh.(Arrayed As Formal Respondent Only Because Arrayed As Respondent In The Writ Petition)
3. The Chhattisgarh State Co - Operative Tribunal, Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
4. The Joint Registrar, Co- Operative Societies Bilaspur, In Front Of Collectorate, Bilaspur, District Bilaspur Chhattisgarh
5. Abhishek Tiwari, S/o Late Shri Gopal Tiwari, Chief Executive Officer, Zila Sahakari Kendriya Bank Maryadit, Nehru Chowk, Bilaspur Chhattisgarh.,

---- Respondents

For Appellant	:	Shri Prateek Sharma, Advocate
For Respondent-1	:	Shri PN Bharat, Advocate
For State/respondent- 4	:	Shri RK Gupta, Deputy Advocate General
For other respective respondents	:	Shri RK Pandey and Shri Jitendra Shrivastava, Advocates

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Justice Sharad Kumar Gupta

Judgment on Board

Per Thottathil B. Radhakrishnan, Chief Justice

10.04.2018

1. Heard the learned counsel for the appellant, the learned counsel for respondent- 1, the Writ Petitioner, and the other learned Advocates

appearing for different respondents, including the learned Deputy Advocate General for respondent- 4.

2. This appeal is against an interlocutory order issued on 23.03.2018 at the stage of admission of a Writ Petition challenging the repatriation of the Chief Executive Officer (hereafter, 'the CEO') from the appellant, District Co-operative Bank, District Bank for short, to the first respondent- State Co-operative Bank, for short, the Apex Bank. The Apex Bank is the Writ Petitioner.

3. Hearing the learned counsel for the parties, it is seen that the District Bank borrowed funds from the Apex Bank and, therefore, the Apex Bank deputed one person to be the CEO of the District Bank to ensure monitoring of the repayment of funds borrowed by the District Bank from the Apex Bank. It is the contention of the appellant- District Bank that such payments have been made and the agreement of deputation of the CEO from the Apex Bank to the District Bank, therefore, does not survive.

4. The learned counsel for the appellant- District Bank argued that the repatriation of the CEO has been done after discharging the responsibility of repayment.

5. Perusing the impugned order, we do not see that any issue, as between the parties, has been finally decided by the learned Single Judge. However, it is worthwhile to note that the impugned interlocutory order has been issued on due application of mind on the requisite facts. The agreement between the parties, which require to be deliberated upon further by the learned Single Judge, has also been noted by the learned Single Judge. We also see that the interlocutory order is time bound, to

enable the respondents in the Writ Petition to answer the allegations in the Writ Petition.

6. We are, therefore, of the view that this intra court appeal does not deserve to be entertained as against the impugned interlocutory order, except to indicate that the learned Single Judge will make efforts to expeditiously consider any request for modifying the impugned interlocutory order; or, for final disposal of the Writ Petition, as may be requested for, at that end.

7. Subject to the aforesaid, this Writ Appeal is dismissed *in limine*.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(Sharad Kumar Gupta)
Judge