

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3010 of 2018

1. Nirmal Chand S/o Somaram Aged About 57 Years Assistant Accountant Jila Sahkari Kendriya Bank Maryadit, Ambikapur, District Surguja, R/o Darripara, Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
2. Santosh Jaiswal S/o Subansh Lal Jaiswal, Aged About 45 Years A.C.S. Jila Sahkari Kendriya Bank Maryadit, Ambikapur, Branch Bishrampur, District Surajpur, R/o Jhumarpara, Post Karanji Railway, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh
3. Dharmendra Sharma S/o Late Shri S.R. Sharma, Aged About 43 Years Assistant Accountant, Jila Sahkari Kendriya Bank Maryadit, Ambikapur, Branch Baikunthpur, District Korla, R/o School Para, Baikunthpur, District Korla Chhattisgarh., District : Korla (Baikunthpur), Chhattisgarh
4. Anil Kumar Choubey S/o Kamlakar Choubey, Aged About 51 Years Assistant Accountant, Jila Sahkari Kendriya Bank Maryadit, Ambikapur, Branch Rajpur, District Balrampur Ramanujan Chhattisgarh., District : Balrampur, Chhattisgarh ---- **Petitioners**

Versus

1. Registrar, Cooperative Societies Indrawati Bhawan, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Joint Registrar, Cooperative Societies, Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
3. Chairman, Jila Sahkari Kendriya Bank Maryadit, Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
4. Chief Executive Officer, Jila Sahkari Kendriya Bank Maryadit, Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh ---- **Respondents**

For Petitioner : Mr. A. K. Prasad, Advocate.

For State : Mr. Ramakant Mishra, Dy. AG

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

20/04/2018

1. This petition has been filed by the petitioners aggrieved by order

dated 16-03-2018 passed by the Registrar, Co-operative societies. Challenge is also laid to the communication dated 15-03-2018 by the Joint Director, Co-operative Societies, District-Sarguja, Ambikapur. The challenge to the action of the respondents is based primarily on the ground of discrimination. Even though, there is no impediment for this Court in entertaining the petition, considering that the issue with regard to the claim of dearness allowance may involve various facts, and there exists an efficacious, alternative remedy of preferring statutory appeal before the State Government under Section 77 of the Co-operative Societies Act, I am inclined to dismiss this petition with liberty to file appeal before the State Government against order dated 16-03-2018 of the Registrar. Since order dated 15-03-2018 was order of Joint Registrar, which has merged in the order dated 16-03-2018 passed by the Registrar, all the grounds which are available to the petitioners against order dated 15-03-2018 and 16-03-2018 would be available to challenge in appeal under Section 77 of the Co-operative Societies Act.

Sd/-

(Manindra Mohan Shrivastava)

Judge