

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4677 of 2015

- Rahul Kumar Soni S/o Arun Kumar Soni, Aged About 24 Years Post Society Manager, Posted At Bilha Branch, Jila Sahkari Kendriya Bank Maryadit, R/o 1001/1, Pal Nivass, Kukri Talab, Near Railway Colony, Gudhiyari, District Raipur Chhattisgarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Cooperative Societies, Mantralaya Mahandi Bhawan, New Raipur, Raipur Chhattisgarh, Chhattisgarh
2. Registrar, Cooperative Societies, Bilaspur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
3. Joint Registrar, Cooperative Societies, Bilaspur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
4. Deputy Registrar, Cooperative Societies, Bilaspur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
5. District Cooperative Central Bank, Bilaspur Through Its Chief Executive Officer , District : Bilaspur, Chhattisgarh
6. Commissioner, Bilaspur Division, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondent

For Petitioner : Mr. Pawan Kesharwani, Advocate.
For State : Mr. Ramakant Mishra , Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

20/04/2018

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 bonafide 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 Accordingly, the writ petitions are dismissed, as withdrawn with the aforesaid liberty granted in favour of the petitioners.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.

Sd/-

(Manindra Mohan Shrivastava)

Judge