

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.6100 OF 2018**

Amit Jaiswal S/o Gopal Prasad Jaiswal Aged About 38 Years Supervisor,
District Co-Operative Central Bank, Branch Jaijaipur, Head Office District
Co-Operative Central Bank, Bilaspur, Near Nehru Chowk, Bilaspur,
Chhattisgarh. R/o- Raghuveer Enclave, Flat No. 101, Warehouse Road,
Bilaspur, Chhattisgarh.

...Petitioner(s)**Versus**

1. State of Chhattisgarh Through- The Secretary, Department Of Cooperative Mahanadi Mantralaya, Naya Raipur, Post Office And Police Station Naya Raipur, District- Raipur, Chhattisgarh.
2. Registrar Cooperative, Chhattisgarh, Indrawati Bhawan, Naya Raipur, Post Office And Police Station Naya Raipur, District- Raipur, Chhattisgarh.
3. Joint Registrar Cooperative Societies, Composite Building, Bilaspur, Chhattisgarh.
4. District Co-Operative Central Bank Bilaspur, Through The Chief Executive Officer, District- Co-Operative Central Bank, Bilaspur, Near Nehru Chowk, Bilaspur, Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Sanjay Patel, Advocate.
For Respondent-State	:	Shri SP Kale, Dy. Advocate General.
For Respondents 2 to 4	:	Shri Jitendra Shrivastava, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****18.09.2018**

1. Heard.
2. After arguing for sometime, learned counsel for the petitioner, seeks permission of this Court to withdraw this petition 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 petitioner has been bonafide litigating before this Court and thereafter, before the State Cooperative Tribunal, upon grant of liberty by this Court, if the petitioner raises dispute under Section 55 (2), the concerned Registrar shall entertain the dispute on merits without raising the plea of limitation.
5. Accordingly, the writ petition is dismissed, as withdrawn with the aforesaid liberty granted in favour of the petitioner.

6. The petitioners' apprehend that the order of termination passed against the petitioner 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 petitioner 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/-
(P. Sam Koshy
Judge