

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 597 of 2016

- Akash Singh Rajput S/o Rameshwar Singh Rajput, Aged About 30 Years Post Clerk Computer Operator Posted At Dhania Branch, Jila Sahkari Kendriya Maryadit Bank, R/o Shivghat Dubey Marg, Old Sarkanda, Bilaspur Chhattisgarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Thorough 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

---- Respondents

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 Accordingly, the writ petitions are dismissed, as withdrawn with the aforesaid liberty granted in favour of the petitioners.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