

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 454 of 2019**

Vinod Kumar Gupta, S/o Late Shri Mohan Lal Gupta, aged about 52 years, The then Chief Executive Officer Zila Sahkari Kendriya Bank Maryadit Durg, R/o. House No. Gypsi 8, Ganpati Vihar, Borsi Durg, District- Durg (C.G),

---- Petitioner**Versus**

1. The State of Chhattisgarh, Through the Secretary, Department of Co-operative Societies, Ministry at Mahanadi Bhawan, Naya Raipur District- Raipur (C.G.),
2. Registrar Co-operative Societies of Chhattisgarh Block B, 2nd and 3rd Floor, Departmental Office, Indravati Bhawan, Naya Raipur, District Raipur (C.G.).
3. Zila Sahkari Kendriya Bank Maryadit, Durg Through its C.E.O., District Durg (C.G.).

----Respondents

For Petitioner	:	Mr. Pratyush Prasanna, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.
For Respondent No.3	:	Mr. Manish Upadhyay, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****23/01/2019**

1. The challenge in the present writ petition is to the show cause notice dated 28.11.2018.
2. Vide the said notice, the Department has called upon the petitioner to submit his explanation in respect of an alleged loss of Rs.4,96,39,869/-. The petitioner has now filed the writ petition after about two months time assailing the same. It has been informed by the counsel for the petitioner that the petitioner is yet to file the reply to the show cause notice.
3. The law so far as interference by the High Court at the show cause notice stage is by now well settled. The only grievance which the petitioner has raised for the purpose of approaching this Court under Article 226 is the action on the part of the respondents is

nothing, but malafide, in as much as the petitioner earlier was terminated on account of his being involved in a criminal case. The said criminal case has finally resulted into acquittal of the petitioner. Now in order to circumvent the order of acquittal and the consequences to follow, the respondents have, according to the petitioner, issued the present show cause notice.

4. This Court in exercise of its power under Article 226 of the Constitution of India is not inclined to entertain the present writ petition at this juncture. Reserving the right of the petitioner to approach the authorities by filing a suitable reply to the show cause notice and in the event of the petitioner filing the reply to the show cause notice promptly, the respondents may decide the same in accordance with the merits of the defense, which the petitioner would be raising. While deciding the same, the authorities are expected to act fairly and would also abide by the basic principles of natural justice.
5. Subject to the petitioner filing a reply to the show cause notice within a period of two weeks from the date of receipt of the copy of this order, the authorities may decide the same, in accordance with the observations made in the preceding paragraphs within an outer limit of 45 days from the date of receipt of the reply of the petitioner.
6. With the aforesaid observations, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge