

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 913 of 2018

Jila Sahakari Kendriya Bank Karmachari Sangh Durg, Registration No. 74, Through Its President Dhirendra Kumar Dewangan S/o Thokelal Dewangan, Aged About 50 Years, Working As Branch Manager Of Jila Sahkari Kendriya Bank Maryadit, Durg, District Durg Chhattisgarh, R/o Jayanti Nagar Sikola Basti, Ward No. 16, Durg District Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Department Of Cooperative, Mahanadi Bhavan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. Registrar, Cooperative Societies Chhattisgarh, Indrawati Bhavan, Naya Raipur, District Raipur, Chhattisgarh.

---Respondents

For petitioner	:	Shri Manish Upadhyay, Advocate.
For State	:	Shri Rahul Mishra, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19/03/2019

1. The challenge in the instant Writ Petition is to the order Annexure-P/1 dated 27/10/2017 to the extent of giving the order retrospective effect i.e. from 11/07/2017.
2. The facts of the case in brief is that, the petitioner is an employee's union in the Jila Sahakari Kendriya Bank, Durg. The employees in the said Bank were granted the benefit of revised pay scale vide Annexure-P/5 dated 23/09/2017 by the Board of Directors of the said Bank and the decision was taken in the light of the resolution passed in the General Body Meeting held on the same day i.e. on 23/09/2017.

3. However, the said benefit of revised pay scale was also implemented so far as the employees of the petitioner Sangh is concerned immediately till the impugned order dated 27/10/2017 was passed stopping the benefit extended on the ground that, the Cabinet having taken a decision on 11/07/2017 for merger of all the District Co-operative Banks with the Chhattisgarh State Co-operative Bank and at the same time the provision of the Chhattisgarh District Co-operative Central Bank Employees Service (Niyojan, Nibandhan Tatha Unki Karya Sthiti Niyam), 1982 was also amended whereby the resolution of the General Body or Board of Directors of the District Co-operative Board had to be got approved from the Registrar, Co-operative Society also.

4. The said amendment and the benefits were given retrospective effect from 11/07/2017 i.e. the date prior to the bringing into effect the revised pay scale payable to the employees of the petitioner Sangh.

5. The counsel for the petitioner submits that, the State Government themselves have subsequently on 12/02/2019 taken a decision to drop the merger proceedings initiated merging District Co-operative Banks with the Chhattisgarh State Co-operative Bank. According to him, since the merger process itself has been dropped by the respondent/State Government, the position would stand restored as it stood prior to the issuance of the impugned order – Annexure-P/1 dated 27/10/2017.

6. Moreover, since the impugned order dated 27/10/2017 itself was passed keeping in view the decision of merger of the District Co-operative

Banks with the Chhattisgarh State Co-operative Bank, the order of the Registrar giving it effect from a retrospective date becomes redundant or has lost its efficacy.

7. In view of the same, this Court is of the opinion that, the impugned order dated 27/10/2017 to the extent of giving the implementation of the amendment of the service condition a retrospective effect from 11/07/2017 is not sustainable and the same deserve to be and is accordingly set-aside, thereby meaning that any amendment to the aforesaid provision would only have prospective effect. The remaining part of the amendment will remain intact and valid.

8. The Writ Petition accordingly stands allowed and disposed off to that extent.

Sumit

Sd/-
(P. Sam Koshy)
JUDGE