

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1237 of 2019**

1. Sandip Kumar Jaiswal, S/o. L.P. Jaiswal, Aged About 36 Years, (Branch Manager, District Co-operative Central Bank Ltd. Bilaspur, Chhattisgarh), R/o. Jarhabhata, Rajiv Gandhi Chowk, Bilaspur, Chhattisgarh.
2. Vikas Gurudwan, S/o. Shri Rupvhand Gurudwan, Aged About 44 Years, (Branch Manager, District Co-operative Central Bank Ltd. Bilaspur Chhattisgarh), R/o. D.P.Vipra College Road, Ashok Nagar, Sarkanda, Post – S.E.C.L. Bilaspur Chhattisgarh.

---- Petitioners**Versus**

1. Registrar, C.G. Co-operative Societies, Indrawati Bhawan, Atal Nagar, Raipur Chhattisgarh.
2. District Co-operative Central Bank Ltd. Bilaspur Chhattisgarh, G.E.Road, Bilaspur Chhattisgarh, Through Chief Executive Officer, District Co-operative Central Bank Ltd. Bilaspur, Chhattisgarh.

---- Respondents

For Petitioners	:	Mr. Neeraj Choubey, Advocate
For State/Respondent No.1:		Mrs. Astha Shukla, Panel Lawyer
For Respondent No.2	:	Mr. Jitendra Shrivastava, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****02.07.2019**

Heard.

1. The present petition is filed against the order dated 02.02.2019 passed in Revision Case No.25/2018 by the Chhattisgarh State Cooperative Tribunal, Bilaspur.
2. The facts of this case are that special audit was ordered by letter dated 06.10.2015 (Annexure P-2) by the Registrar, Chhattisgarh Cooperative Societies, therefore, in pursuant thereto the Committee was constituted and the Committee after audit gave certain finding and an adverse remark was made against the petitioners by Annexure P-3. Subsequently, on the basis of such adverse remark, the Registrar had directed by a letter dated

27.05.2016 that the penal action be taken against the respondent officer and pursuant thereto the petitioner was terminated.

3. Learned counsel for the petitioner would submit that the order passed by the Registrar, Chhattisgarh Cooperative Societies dated 27.05.2016 (Annexure P-4) was passed without giving any opportunity of hearing to the petitioners, therefore, it requires to be set aside, which the Tribunal has failed to take into account as the Registrar, Chhattisgarh Cooperative Societies, himself could not have passed the order itself.
4. Learned counsel for the respondents would submit that both the petitioners were terminated and against the termination, the petitioner No.1 Sandeep Kumar Jaiswal had filed a writ petition bearing WPS No.6824 of 2018 and the petitioner No.2 Vikas Gurudwan had filed a writ petition bearing WPS No.6934 of 2018 wherein the stay was prayed for in respect of the termination. It is stated that the stay application having been dismissed, subsequently, the petitioners have withdrawn the writ petition with liberty to raise the dispute before the appropriate forum under Section 55(2) of the Cooperative Societies Act and the fact that presently the dispute is pending before the Joint Registrar, Chhattisgarh Cooperative Societies; the petition is not maintainable.
5. The facts of the case would reveal that on an audit having pointed out certain anomaly adverse remarks were passed against the petitioners on 27.05.2016. Pursuant to such adverse remarks both the petitioners were terminated. The petitioners against the termination had preferred a writ petitions to set aside the termination. After some lapse of time, the said writ petitions were dismissed as withdrawn with liberty to seek remedy before the appropriate appellate forum and presently admittedly the lis is pending before the Joint Registrar under Section 55(2) of the Cooperative Societies Act. The petitioners in the intervening period have challenged the order

dated 27.05.2016 which contained the adverse report before the Chhattisgarh State Cooperative Tribunal and the Tribunal by the order dated 02.02.2019 has dismissed the petition.

6. Taking into the facts of this case, the final order of termination having been challenged before the appropriate forum, the petitioners can very well avail and redress their grievance before the appropriate authority. Moreso because of fact the petitioners alleges the termination was made because of the adverse remarks against them. At this state, any finding by this Court would amount to high-jack the entire issue which is pending before the Joint Registrar when the lis with respect to termination of the petitioners is already pending before the Joint Registrar. The Joint Registrar is the forum who will decide the legality of termination along with fact whether the rules of natural justice were followed or not, which is a matter of evidence. This Court therefore is unable to agree with the contention of the petitioners to intervene in such fact finding arrived at after audit. The petition has no merit and accordingly it is dismissed.

Sd/-
Goutam Bhaduri
Judge