

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3890 OF 2019**

Smt. Usha Devi Rajput W/o Shri Lakhan Singh Rajput Aged About 50 Years Former Vice President, Bahirgami Sanchalak Mandal / Board, District Cooperative Central Bank Limited, Bilaspur Chhattisgarh,

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The , Cooperative Department, Mahanandi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
2. The Chhattisgarh Cooperative Tribunal Bilaspur, District Bilaspur Chhattisgarh,
3. The Additional Registrar Cooperative Societies, Raipur Indrawati Bhawan, Atal Nagar, New Raipur Chhattisgarh,

-----Respondents

For Petitioner	: Mr. Ajay Kumar Pandey, Advocate.
For State	: Mr. Ashutosh Mishra with Mr. Somkant Verma. Panel Lawyers.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****05.11.2019**

1. The challenge in the present writ petition is to the order Annexure P-1 dated 02.07.2019 passed by the Chhattisgarh State Cooperative Tribunal Bilaspur.
2. The Tribunal vide the impugned order has held the revision petition not maintainable and rejected the same.
3. The contention of the counsel for petitioner is that the petitioner being a lady is being unnecessarily harassed by issuing show-cause notice and, therefore, the Tribunal should have entertained the revision petition on its merits. The petitioner further contented that it is a case where the petitioner does not have any direct or indirect involvement in utilization of the funds of the society and therefore

the allegations of misutilization of funds levelled against the petitioner.

4. Referring a judgment of the Supreme Court rendered in the case of **M/s. Siemens Ltd. Versus State of Maharashtra & Ors. (2006) 12 SCC 33**, the counsel for the petitioner contented that the rejection of the revision petition by the Tribunal is bad in law and therefore the same should be set-aside and the matter should be remitted back to the Tribunal for deciding the case on merits.
5. This Court on perusal of records finds that in fact it is only a show-cause notice, which has been issued to the petitioner as well as to 19 other persons who were, at the relevant point of time, at the helm of affairs of the Bahirgami Sanchalak Mandal which is a Cooperative Society.
6. Perusal of the show-cause notice dated 22.09.2016 would reveal that there was a complaint received by the respondent of financial irregularity to the tune of Rs. 1,89,45,679/-. The respondents have only called upon the petitioner and other similarly placed persons to give an explanation so far as the misuse of the funds of the society is concerned and have also sought an explanation as to why recovery proceedings should not be initiated against them.
7. This Court, at the outset, does not find it to be a strong case for interfering with the impugned order for the reason that firstly, that the show-cause notice was issued in the year 2016 and the revision petition before the Tribunal has been filed after 3 years i.e. in the year 2016, no plausible explanation has been given as to what

prevented the petitioner to approach the Tribunal promptly. Secondly, this Court also is not inclined to entertain the petition for the reason that the Tribunal has rightly held that a revision petition could have been filed against a show-cause notice passed by the authorities concerned. A show-cause notice can never be construed as an order. Show-cause notice is only calling for an explanation.

8. The petitioner is supposed to provide her detailed reply either explaining the allegations or giving justification as to why she is not responsible for the allegations made by her and thereafter the authorities would take an appropriate decision as per the law.
9. In the instant case, on a query being put to the Counsel for the petitioner, he submits that petitioner in fact has already given her reply to the show-cause notice and the matter is still pending consideration thereafter.
10. Given the fact that the respondents have not taken any further decision, the Tribunal has rightly held that the revision petition is not maintainable. This Court does not find a strong case made out calling for an interference with the said finding given by the Tribunal, therefore, the writ petition stands rejected.

Sd/-

(P. Sam Koshy)
Judge