

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 368 of 2020**

Vikas Gurudwan, S/o. R.C Gurudwan, Aged About 44 Years,
Resident Of Ashok Nagar, Near R.K.Petrol Pump, Sarkanda,
Bilaspur, District Bilaspur Chhattisgarh

---- Petitioner

Versus

1. The Register, Co-operative Societies Raipur, Indrawati Bhawan, Naya Raipur, District Raipur Chhattisgarh
2. The Joint Registrar, Co-Operative Societies Bilaspur, In Front Of Collectorate, Bilaspur, District Bilaspur Chhattisgarh
3. Zila Sahkari Kendriya Bank Maryadit Bilaspur, Through The Chief Executive Officer, Zila Sahkari Kendriya Bank Maryadit, Bilaspur, District Bilaspur, Chhattisgarh
4. The Collector/ Designated Officer, Zila Sahakari Kendriya Bank Bilaspur, District Bilaspur Chhattisgarh
5. The Chief Executive Officer, Zila Sahakari Kendriya Bank Maryadit, Nehru Chowk, Bilaspur, Chhattisgarh

----Respondents

For Petitioner : Mr. Prateek Sharma, Advocate.

For State/Respondents : Mr. Amrito Das, Addl. A.G.
No.1 & 2

For Respondents No.3 to 5 : Mr. Prafull Bharat with Mr. Jitendra Shrivastava, Advocates

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17.01.2020

Heard

1. The petitioner contends that the petitioner was initially appointed on 17.02.2012 as Branch Manager of Zila Sahakari Kendriya Bank Maryadit Bilaspur and subsequently after completion of probation, he was made permanent in the year 2015. It is stated that on 27.05.2016, the Registrar directed to convene the meeting and eventually a meeting was convened on 06.02.2017 by the Staff Sub-Committee of the Bank, which is a supreme body to consider the condition of service and appointments. Thereafter, a show

cause notice was served to the petitioner on 09.08.2017 and after filing of the reply by the petitioner, the Staff Sub-Committee found it proper to close the case against the petitioner being satisfied with the reply. However, again a show cause notice was issued on 02.08.2018, which was subject of challenge before the Registrar and it was stayed by the order dated 08.08.2018 and eventually a termination order was passed on 01.09.2018. Thereafter the said termination was subject of challenge and the Registrar eventually set aside the termination order on 05.12.2019 and thereafter the petitioner has given joining on 09.12.2019. It is contended by the petitioner that after his joining, the petitioner has not been paid salary and only the signature is being taken, therefore, the respondents be directed to release the salary of the petitioner.

2. Learned counsel appearing for the respondents No.3 to 5 would submit that the order whereby the termination has been set aside is subject of challenge by the Bank before the Tribunal.
3. Perusal of the record would show that by order dated 05.12.2019 (Annexure P-8) the termination of the petitioner was canceled by the Joint Registrar, Cooperative Societies. The petitioner claims that pursuant to such setting aside of the termination order, the petitioner gave his joining and the salary has not been paid, which was part of the order. In such case, if order of the Registrar is not being carried out, then under the Chhattisgarh Cooperative Societies Act, 1960, Section 85 gives the power of execution of the orders. It is further contended that it is at the behest of one Chief Executive Officer, the salary is not being paid and the dispute is projected under Section 55(2) of the Chhattisgarh Cooperative Societies Act, 1960.

4. Be that as it may, since once the termination order has been set aside, the consequence of it will follow; therefore, this Court cannot act as an executing Court of the order passed by the Joint Registrar or make a further interpretation of the order passed in favour of petitioner. The petitioner has an alternative remedy under Section 85 of the Chhattisgarh Cooperative Societies Act, 1960. Since the alternative statutory remedy is available, I am not inclined to entertain this petition. Therefore, the petition is dismissed. However, the petitioner is at liberty to avail the alternative statutory remedy as available to him under the statute.

Sd/-
(Goutam Bhaduri)
JUDGE

ashok