

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 118 of 2019**

Order Reserved On : 12/04/2019

Order Passed On : 27/02/2020

- Santosh Singh Chairman, Jila Sahkari Kendriya Bank Maryadit, Ambikapur, District- Surguja, Chhattisgarh

---- Petitioner

Versus

1. H K Doshi Additional Registrar, Cooperative Societies, Atal Nagar, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Ramdev Ram S/o Late Chamru Ram Aged About 54 Years R/o Village Gagoli, Tahsil Lundra, District- Surguja, Chhattisgarh.

---- Respondent

For Petitioner : Shri Kishore Bhaduri & Shri Pankaj Singh, Advocates.
For Respondent No.1 : Shri Prafull N. Bharat, Advocate.
For Respondent No.2 : Shri Manoj Paranjpe, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**C A V Order**

1. This Contempt Petition under Article 215 of the Constitution of India read with Section 2 (B) of the Contempt of Courts Act, 1971 has been preferred for drawing contempt and suitably punishing the contemnors for having willfully disobeyed the order passed by this Court on 8.1.2019 in WPC No.1438/2018 (Ramdev Ram Vs.

The State of Chhattisgarh & Others) whereby while disposing of the writ petition, the earlier interim order dated 18.5.2018 was continued. The said interim order of this Court was to the following effect :-

“Meanwhile, (I) neither the post of Chairman of respondent No.4-Bank shall be held by respondent No.5 nor any power of said post shall be exercised by respondent No.5, (II) and the Collector, Surguja shall look into the work of Chairman of Respondent No.4-Bank till the next date of hearing but the Collector shall not take any policy decision till the next date of hearing.”

2. Brief facts giving rise to filing of writ petition preferred by Ramdev Ram, former MLA belonging to the present Ruling Party, as informed by him during his appearance before this Court, are that at the relevant time the writ petitioner was the Chairman of the Board of Directors of Zila Sahkari Kendriya Bank Maryadit, Ambikapur (for short 'the Bank'). In the meeting of the Board of Directors of the said Bank on 3.5.2018, a resolution was passed removing him from the post of Chairman. Pursuant to the resolution, the CEO of the said Bank issued an order directing his removal from the post of Chairman for 3 years. These two orders filed as Annexure-P/1 & P/2 with the writ petition were under assail in the petition.

3. The writ petition came up for hearing on 18.5.2018 and this

Court passed the following order:-

“18.5.2018.

Shri Manoj Paranjpe, counsel for the petitioner.

Shri Arun Sao, Deputy Advocate General for the State/respondents No.1 to3.

Shri Rakesh Pandey, counsel for respondents No.4 & 5.

Heard on admission.

Learned counsel appearing for the petitioner would submit that on the instructions of Joint Registrar, Cooperative Societies to respondent No.4 for removal of the petitioner, the respondent No.4 issued notices to that effect for convening the meeting of Board of Directors on 4.5.2018 but in the meanwhile a resolution was passed in presence of only four members, by preponing the meeting on 3.5.2018 and in which the petitioner has been removed from the post of Chairman of District Cooperative Central Bank Maryadit, Ambikapur, District Sarguja on 03.05.2018, which is ex facie illegal and bad in law.

This petition is admitted for hearing.

Issue notices to the respondents.

Shri Arun Sao, Deputy Advocate General accepts notice on behalf of respondents No.1 to 3 whereas Shri Rakesh Pandey, Advocate accepts notice on behalf of respondents No.4 & 5.

Let three extra set of writ petitions along with annexures be supplied to the office of Advocate General and two extra sets of writ petition along with annexures be supplied to Shir Pandey, Advocate within three working days. They shall file their return on or before 20th June, 2018 positively.

List this case for final disposal at motion stage on 28th June, 2018.

Meanwhile, (I) neither the post of Chairman of respondent No.4-Bank shall be held by respondent No.5 nor any power of said post shall be exercised

by respondent No.5, (II) and the Collector, Surguja shall look into the work of Chairman of Respondent No.4-Bank till the next date of hearing but the Collector shall not take any policy decision till the next date of hearing.

Registrar, Cooperative Societies will file his own affidavit within a week clearly informing that under what authority of law, though the meeting was convened on 4.5.2018, the Joint Registrar, Cooperative Societies took up the meeting on 3.5.2018.

Similarly, Secretary, Department of Cooperative Societies will also file his own affidavit, what control the State is exercising over respondent No.4 – Bank as according to the petitioner, elected President of the Bank is not being allowed by the State Authorities to run in accordance with law.

C.C. as per rules.”

4. The interim relief allowed in the writ petition was continued on further dates of hearing and eventually, the writ petition itself was disposed of on 8.1.2019 in the following manner:-

“1. Heard.

2. After hearing learned counsel for the parties, it appears, the petitioner has an alternative remedy of preferring a revision petition before the Registrar, Cooperative Societies, under Section 80-A of the Cooperative Societies Act, 1960 (in short “the Act, 1960”).

3. In view of the above, the writ petition is disposed of with liberty to the petitioner to prefer a revision before the Registrar, Cooperative Societies, under Section 80-A of the Act, 1960.

4. If the revision is preferred within a period of 15 days from today, the Registrar shall decide the same within next two months.

5. During the said period, the interim order passed by this Court on 18.5.2018, shall continue.”

5. As a consequence of the interim order dated 18.5.2018 being continued even at the time of disposal of the writ petition, the writ petitioner could not have been reinstated as Chairman of the Bank upon staying the resolution of the Board of Directors dated 3.5.2018. However, respondent No.1 – H.K. Doshi, Additional Registrar, Cooperative Societies, Chhattisgarh passed an order on 11.1.2019 staying the resolution dated 3.5.2018 to reinstate contemnor No.2 as Chairman of the Bank. This act of respondent No.2 and at the inception his prayer for staying the resolution dated 3.5.2018 made by respondent No.2 was in direct conflict and head on collision with the order passed by this Court on 8.1.2019 continuing the interim order dated 18.5.2018.
6. The only explanation offered in the reply filed by respondent No.1 is to the effect that there was misinterpretation of this Court's order on his part. Insofar as respondent No.2 is concerned, he would state that there was no intention to violate the order passed by this Court while filing the application for stay before respondent No.1 and the same happened by mistake.

7. The explanations offered by both the respondents do not appeal to this Court inasmuch as it was respondent No.2, who had obtained interim order and no application for modification or vacation of the interim order was ever sought by any of the parties and the same was continued in the presence of both the parties when the writ petition was disposed of on 8.1.2019. Thus the parties were fully aware of the intent and scope of the interim order which was continuing since 18th May, 2018 and all the parties had been following the said order knowing fully well its effect and implications. The explanation offered and the apology tendered appears to be a lip service. Therefore, this Court is of the considered view that the respondents have committed willful disobedience of the order passed by this Court and the consequent contempt of the lawful authority of this Court, for which they deserve to be punished.
8. It will not be out of place to mention that respondent No.1 is holding senior responsible position of the rank of Additional Registrar whereas respondent No.2 being former MLA is also a responsible citizen being aware of the consequences of their acts and omissions.
9. Considering the nature of contempt committed, it appears, ends of justice would be served if the respondents are imposed

sentence of fine only without sending them to suffer jail sentence.

Accordingly, both the respondents are sentenced to pay a fine of Rs.5,000/- (Rupees Five Thousand Only) each, payable to the High Court Legal Services Committee within a period of one month from today.

10. Accordingly, the contempt petition stands allowed in the above stated terms.

Sd/-

Judge
(Prashant Kumar Mishra)

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