

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No.833 of 2017

- District Cooperative Central Bank Ltd. Ambikapur Through Chief Executive Officer, Ambikapur, District Surguja, Chhattisgarh

---- Petitioner

Versus

- Monitor Ram Kushwaha S/o Late Devidayal Kushwaha, Terminated Samiti Sevak, District Cooperative Central Bank Ltd. Ambikapur, District Surguja, Chhattisgarh, R/o Village Bakalo Post Karji Darima Road Ambikapur, District Surguja, Chhattisgarh

---- Respondent

For Petitioner : Mr. Abhishek Pandey, Advocate.

For respondent : Ms. Prachi Singh on behalf of Mr. A.N. Pandey, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11/02/2020

1. This petition has been brought being aggrieved by the order dated 22.06.2017 passed by the C.G. Co-operative Tribunal, Bilaspur, C.G., in Appeal No.36/2016 dismissing the appeal filed by the petitioner.
2. The brief history of the case is this that the respondent was an employee of the petitioner, he was dismissed from services by the petitioner on 15.07.1994. The respondent preferred an appeal before the Sub-Registrar, Cooperative Societies, Ambikapur, under Section 55(2) of the M.P./C.G. Cooperative Societies Act which was decided in favour of the respondent on 28.03.2012 and the order of his removal from services was set aside. The petitioner then preferred an appeal

before the Joint Registrar Cooperative Societies, which was dismissed vide order dated 16.07.2014 and challenge to this order before the Tribunal has also been dismissed by the order dated 22.12.2014 in Appeal No.98/2014. Another appeal was filed by the petitioner before the Tribunal which was registered as Appeal Case No.36/2016 and the same has been dismissed by the impugned order.

3. It is submitted by the learned counsel for the petitioner that the orders of the Sub-Registrar dated 31.10.2001 was erroneous and illegal which has been erroneously and illegally upheld by the Court of Joint Registrar and also the Tribunal, therefore, prayed that this petition may be allowed and the impugned order be interfered.
4. Learned counsel for respondent opposes the submissions and submits that no error has been committed by the Courts below, therefore, this petition may be dismissed.
5. Heard learned counsel for the parties and also perused the documents present.
6. On perusal of the documents filed along with the petition, it is found that the departmental inquiry conducted against the respondent was not in accordance with the rules and also not in accordance with the principle of natural justice, therefore, the Court of Sub-Registrar, Cooperative Societies, Ambikapur, has not committed any error in passing the order dated 31.10.2001 and subsequently the Court of Joint Registrar and also the Tribunal have also not committed any error or illegality in passing the orders. It is nowhere explained,
7. that when the order of Joint Registrar which was already challenged in Appeal Case No.98/2014 and the appeal was dismissed vide order dated 22.12.2014, then without assigning any reason why another

appeal was preferred which is registered as Appeal Case No.36/2016 and decided by the impugned order. Further, it is surprising to see that there is no reference made in the impugned order regarding the previous appeal filed and dismissed by the same Tribunal, therefore, this question is also present. It can be said that the learned Tribunal had no jurisdiction to re-entertain the same appeal and re-decide the same by the impugned order, hence, the petition appears to be without any substance which is dismissed and disposed off at motion stage.

8. Accordingly, this petition is disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Monika