

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2230 of 2020

1. Adim Jati Sewa Sahakari Samiti, Jaimura, Block - Kharsia, District - Raigarh (Chhattisgarh) Through The Assistant Society Manager - Pramod Kumar Rathore
2. Pramod Kumar Rathore, Son of Pawan Singh Rathore, Aged About 54 Years, Resident of Village - Halahuli, Tahsil - Kharsia, District : Raigarh, Chhattisgarh
3. Lal Kumar Nagwanshi, S/o Monu Ram, Aged About 42 Years, R/o Village - Sondaka, Tahsil - Kharsia, District : Raigarh, Chhattisgarh
4. Bhanupratap Dansena, S/o Chudamani Dansena, Aged About 42 Years, R/o Village - Sondaka, Tahsil - Kharsia, District : Raigarh, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Co-Operative Department, Mahanadi Bhawan, Capital Complex, Atal Nagar New Raipur, District : Raipur, Chhattisgarh
2. Managing Director, Marketing Federation, Chhattisgarh Raipur, District : Raipur, Chhattisgarh
3. The Collector, District Raigarh, District : Raigarh, Chhattisgarh
4. District Co-Operative Marketing Federation Officer Raigarh, District : Raigarh, Chhattisgarh
5. Assistant Registrar, Co-Operative Society, Raigarh, District : Raigarh, Chhattisgarh

-----Respondents

For Petitioners	:	Mr. Kamlesh K. Pandey, Advocate
For State	:	Mr. Raghvendra Verma, Govt. Adv.
For Resp. No. 2 & 4	:	Mr. Ashish Surana, Advocate

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

09.10.2020

1. The challenge in the present writ petition is to the order passed by the respondent no. 5 calling upon the petitioners to question as to why the petitioners should not be removed from service and why the recovery should not be made to the extent of loss caused to the society. The only apprehension of the petitioners at this stage is that the authorities may conclude the proceedings without giving sufficient opportunity of hearing to the petitioners.
2. The contention of the counsel for the petitioners is that as of now their purpose would be served, if the writ petition is disposed off directing the respondent no. 5 to proceed in-accordance with law and shall permit the petitioners to produce all relevant documents and records in their possession to establish the fact that the petitioner as such have not committed any default or fraud or that matter any act which has resulted in the shortage of paddy as well as gunny bags.
3. Considering the fact that the Deputy Registrar ie. the respondent no. 5 has already ceased of the matter and as per the counsel for the respondent no. 2 and 4, on instructions he submits that the matter is already placed for consideration before the respondent no. 5 on the 12th October, 2020, this Court is of the opinion that it would be more appropriate for the petitioners to approach before the Respondent No. 5 and shall submit before the Respondent No. 5 the entire documents, submissions and contentions that they intend to take in-respect-of the purchase of paddy as well as gunny bags. The Dy. Registrar i.e., respondent no. 5 in turn is expected to ensure that a

fair and reasonable opportunity of defence is given to the petitioners to place their contentions. That the evidence and the documents so produced shall be duly considered by the Respondent No. 5 and shall also in the course of enquiry, shall specifically reach to the conclusion as to whether the petitioners have committed any mis-appropriation or fraud or not and only after having a categorical finding, should an appropriate final order be passed by the respondent no. 5.

4. As regards, the registration of the FIR is concerned, the liberty of the petitioners stands reserved for challenging the same by way of fresh proceedings altogether. This writ petition, accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge