

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3956 of 2020

Pyarelal Sahu S/o Late Shri Jagannath Sahu, Aged About 58 Years
Posted As Recorder, CG Credit Cooperative Society Limited
Sector-1, Bhilai Nagar, Durg, Tahsil And District Durg, Civil And
Revenue District Durg Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Cooperative Department,
Mahanadi Bhavan, Mantralay, Atal Nagar, New Raipur
Chhattisgarh,
2. The Registrar, Cooperative Department, Indrawati Bhawan, Block-
C, New Raipur Chhattisgarh.
3. The Joint Registrar, Cooperative Societies, Durg Division, Santra
Badi, Durg, District Durg Chhattisgarh
4. The Managing Director/ President Chhattisgarh Cooperative Credit
Society Maryadit, Sector-1, Bhilai Nagar, Durg District Durg
Chhattisgarh

---Respondents

For petitioner– Shri M.K. Sinha, Advocate.
For State- Ms. Akansha Jain, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

29/09/2020

Heard.

1. Learned counsel for the petitioner submits that because of the lock down which was prevailing at Raipur no petition could be filed under the Co-operative Societies Act, 1960 under Section 55 (2) and the petitioner may be given certain liberty to file a petition before the Registrar, Co-operative Society under Section 55 (2) of the Co-operative Societies Act, 1960. He submits that till then the effect of the order dated 15/09/2020 (Annexure P-1) whereby the petitioner have been directed to retire on attaining the age of 58 years may not be given effect to.
2. The court can take a judicial notice of the fact that because of the lock down all the government offices were not functional. The movement of general public were also restrained. Obviously it may result that the petitioner may be restrained to file the proper petition before the Registrar,

Co-operative Society which could have been otherwise filed during normal working. Since the petitioner is noticed to retire on 30/09/2020, after opening of the lock down on 29/09/2020 it may not be possible for the petitioner to prefer the petition immediately and hearing would be possible. Therefore, considering the existing ground reality at this moment the petitioner is given liberty to file a well constituted petition before the Registrar, Co-operative Society within a further period of 60 days from today. Till then the order dated 15/09/2020 (Annexure P-1) whereby the petitioner have been directed to retire on attaining the age of 58 years shall not be given effect to. This protective order has been passed in the back ground of the fact that lock down was prevailing at Raipur and for the reason that the petitioner could not avail the remedy available to him under law he may not suffer. If such petition is filed, the Registrar shall adjudicate the issue on its own merit.

3. With such observation, the petition is disposed of.

Certified copy today.

Sd/-

(Goutam Bhaduri)

JUDGE