

14-01-2021
ct no. 13
Sl.1 to 4
sp

**WPCRC 3 of 2021
With
WPCRC 4 of 2021
(Arising out of WPA 2818 of 2020)
With
CAN 1 of 2020
(Old No. CAN 3875 of 2020)
With
RVW 88 of 2020
With
CAN 1 of 2020
With
CAN 2 of 2020
With
CAN 3 of 2020
With
CAN 4 of 2020**

Amalendu Bikash Panda

-Versus-

Brahmapada Dalai & Ors.

Mr. Debasish Sarkar

**....for the petitioner
(in RVW petition)**

**Mr. Pradip Kr. Roy,
Ms. Shraboni Sarkar**

...for the State

Mr. Haripada Nayak

...for the alleged contemnor nos. 1 to 6

**Mr. Srijan Nayak,
Ms. Rituparna Moitra**

...for the Co-operative Election Commission

Mr. Mdan Mohan Roy

...for the respondent no.6

The Registrar Mr. Mohan Gandhi
Palaniappan and the Joint Registrar Mrs.
Paramita Ghosh, Co-operative Societies, West
Bengal are personally present in Court. The other
alleged contemnors are also present in Court. The
members of the nominated Board could not

explain as to why they did not take any steps against the Highest Paid Employee for non-cooperation and refusal to handover the keys and documents to the Society to them. It is only stated feebly that a complaint was attempted to be lodged with a local police and the same was refused. This Court cannot believe that the members of the nominated Board would not take legal advice at least from the District Legal Services Authority as to what has to be done. They have said that they have informed the ARCS concerned. The Registrar, Co-operative Societies will enquire into the matter and take suitable steps if he finds that the nominated Board members informed the ARCS of the conduct of the "Highest Paid" employee and what steps have been taken by the ARCS concerned.

Affidavits have been filed by the Registrar and the Joint Registrar, Co-operative Societies, West Bengal, who are present in Court. The explanation given that they nominated a Board in view of non-availability of lawyers and not having access to Court is completely unbelievable and is rejected.

The Registrar has tendered unconditional apology. This is the second time that this Court sees Mr. Mohan Gandhi tendering unconditional apology before this Court. The Joint Registrar, Mrs. Paramita Ghosh Palaniappan has also

tendered apology and her explanation is also rejected.

The Registrar and the Joint Registrar are the civil servants holding public posts and are deemed to have sufficient educational qualification abilities and experience to have approached this Court seeking modification of the order dated 02.03.2020. In the light of the above conduct of the Registrar and the Joint Registrar is strongly deprecated. This is the second instance of warning given to Mr. Mohan Gandhi, Registrar, Co-operative Societies, West Bengal. It shall be the last warning. A warning is also issued to Mrs. Paramita Ghosh, Joint Registrar, Co-operative Societies, West Bengal. The warning, as indicated herein above, is not to repeat that disgraceful conduct again.

An affidavit has filed by the Election Commission indicating that all steps have been taken to hold the election, which is fixed on January 30, 2021. It is assured to Court that the election shall be completed by such time.

The ARCS, Purba Medinipur-II Range is directed to ensure basic facilities to the members of the Society, forthwith and immediately as already directed. The Bank shall continue their facilities to the Society and commence recovery measures only after completion of the election post January 30, 2021.

The conduct of the Registrar and the Joint Registrar shall be notified to the Chief Secretary of the State and this order be sent by the Registrar General of this Hon'ble High Court to the Chief Secretary, West Bengal. The Registrar General shall also send the copy of the earlier order passed in the review and contempt application to the Chief Secretary, West Bengal. Appropriate steps shall be taken by the Chief Secretary, West Bengal as he may deem necessary against the Registrar.

With the aforesaid observations, the contempt application, review application and all connected applications shall stand disposed of.

There shall, however, be no order as to costs.

The Rule issued against all the alleged contemnors shall stand discharged.

The personal presence of all the alleged contemnors is dispensed with.

Urgent photostat certified copy of this judgment, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)