

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.5974 of 2011**

Sahakari Vipnan Sanstha Maryadit, Bemetara, District Durg (CG) Through the President: Rajkumar Tiwari, S/o Late B.P. Tiwari, Aged about 42 years, R/o. Bemetara, District Durg (CG)

----- **Petitioner**

Versus

- 1.State of Chhattisgarh, through the Secretary, Cooperative Societies, D.K.S. Bhawan, Mantralaya, Raipur (CG)
- 2.The Registrar, Cooperative Societies, Raipur (CG)
- 3.The Joint Registrar, Cooperative Societies, Raipur (CG)
- 4.The Deputy Registrar, Cooperative Societies, Raipur (CG)
- 5.Mahtaruram Dewangan, S/o. Rewaram Dewangan, R/o. Ward No.12, Bemetara, District Durg (CG)

----- **Respondents**

For Petitioner : Mr.Arvind Dubey, Advocate
 For Respondents No.1 to 4: Mr.Soumya Rai, P.L.
 For Respondent No.5 : Mr.Sanjay Agrawal, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board (Through Video Conferencing)

3.9.2021

1. The petitioner herein calls in question legality, validity and correctness of the order dated 30.8.2011 (Annexure P-1) passed by the Additional Registrar, Cooperative Societies in second appeal filed by the petitioner affirming the order of the Joint Registrar, Cooperative Societies dated 30.12.2010 in first appeal and the order dated 30.11.2009 passed by the Deputy Registrar, Cooperative Societies.

2. Services of respondent No.5 was terminated by the petitioner samiti by order dated 25.6.2007 from the post of Godownkeeper, which he challenged by raising dispute under Section 64 of the Chhattisgarh Co-operative Societies Act, 1960 (hereinafter called as 'Act of 1960'). The Deputy Registrar, Cooperative Societies by order dated 31.11.2009 allowed the application of respondent No.5 and directed him to be reinstated with all consequential benefits, which was challenged by the petitioner by filing appeal before the Joint Registrar, Cooperative Societies. The Joint Registrar, Cooperative Societies by order dated 30.12.2010 affirmed the order passed by the Deputy Registrar, Cooperative Societies, against which, the petitioner preferred second appeal before the Additional Registrar, Cooperative Societies. The Additional Registrar, Cooperative Societies by the impugned order dismissed second appeal affirming the order passed by two authorities, which has been called in question by the petitioner in this writ petition.

3. Mr.Arvind Dubey, learned counsel for the petitioner, would submit that concurrent findings recorded by three authorities holding that respondent No.5 was terminated in violation of principle of natural justice, therefore, he is entitled to be reinstated in

service is based on perverse ground and are liable to be set aside.

4. On the other hand, Mr. Soumya Rai, learned Panel Lawyer for respondents No.1 to 4, would support the impugned order.

5. Mr. Sanjay Agrawal, learned counsel for respondent No.5, would submit that after reinstatement respondent No.5 has retired from service.

6. I have heard learned counsel for the parties, considered their rival submissions made hereinabove and also went through the records with utmost circumspection.

7. It is true that termination of respondent No.5 was set-aside by the Deputy Registrar, Cooperative Societies on the ground that services of respondent No.5 were terminated without making proper enquiry, without affording an opportunity of hearing and without following the principle of natural justice and accordingly directed for reinstatement along with back wages. Concurrent findings recorded by the Deputy Registrar, Cooperative Societies that services of respondent No.5 were terminated without making proper enquiry and without affording an opportunity to defend himself are the findings of fact based on evidence available on record. It is neither perverse nor

contrary to record. I do not find any illegality or perversity in the said findings.

8. Accordingly, the writ petition deserves to be and is hereby dismissed leaving the parties to bear their own cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-