

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.202 of 2012**

Piyush Kumar Singh S/o Shri Latel Singh, aged about 35 years, Ex-salesman, Seva Sahakari Samiti Maryadit, Kosa, Tahsil Pamgarh, Distt.-Janjgir-Champa (CG)

---- Petitioner

Versus

1. State of Chhattisgarh Through-the Secretary, Cooperative Society Department, D.K.S. Bhawan, Raipur, Distt.Raipur (CG)
2. President, Seva Sahakari Samiti Maryadit, Kosa, Tahsil Pamgarh, Distt.-Janjgir-Champa (CG)
3. Manager, Seva Sahkari Samiti Maryadit, Kosa, Tahsil Pamgarh, Distt.-Janjgir-Champa (CG)
4. Deputy Registrar Cooperative Society, Janjgir-Champa (CG)
5. Rang Lal Dhiwar, working as Salesman, Seva Sahkari Samiti Maryadit, Kosa, Tahsil Pamgarh, Distt.-Janjgir-Champa (CG)

---- Respondents

For Petitioner	: Mr.Vinod Kumar Sharma, Advocate
For Respondents No.1 & 4	: Mr.Avinash Singh, P.L.
For Respondent No.5	: Mr.Ravindra Agrawal, Advocate
For Respondents 2 & 3	: None present

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board (Through Video Conferencing)

26.8.2021

1. The petitioner herein calls in question legality, validity and correctness of the order dated 29.11.2011 (Annexure P-1) by which the State Government has set-aside the order of the Joint Registrar, Cooperative Societies dated 26.2.2011 and order of the Additional Registrar, Cooperative Societies dated 10.8.2011.
2. Mr.Vinod Kumar Sharma, learned counsel for the petitioner, would submit that the State Government has not decided legality, validity and correctness of the orders passed by two authorities and merely because respondent No.5 has

been reinstated by the competent authority on 30.1.2006 and since it could not have been challenged, the order has become final and therefore, held the petitioner's removal was justified and allowed the revision setting aside the orders dated 26.2.2011 and 10.8.2011, which is wholly unsustainable and bad in law.

3. On the other hand, Mr. Avinash Singh, learned Panel Lawyer for respondents No.1 and 4, would support the impugned order.

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

5. The petitioner was appointed by Samiti on 1.12.2005 on the post of Salesman, which was approved by the Samiti in its meeting dated 13.5.2008 and duly approved by the Deputy Registrar, Cooperative Societies on 30.6.2009 and thereafter, the petitioner was removed from his post on 6.10.2009 without affording him opportunity of hearing and opportunity to defend himself, which led to raising of dispute under Section 55 of the Chhattisgarh Co-operative Societies Act, 1960 before the Deputy Registrar, Cooperative Societies. The Deputy Registrar, Cooperative Societies, Janjgir-Champa by order dated 6.9.2010 (Annexure P-3) declined to entertain the dispute and rejected the same, against which, he preferred appeal before the Joint Registrar, Cooperative Societies. The Joint Registrar, Cooperative Societies by order dated

26.2.2011 (Anneuxre P-4) entertained the appeal and set-aside the order of removal of the petitioner and directed him to be reinstated, against which, again the Society/ respondent No.2 preferred second appeal before the Additional Registrar, Cooperative Societies. The Additional Registrar, Cooperative Societies by order dated 10.8.2011 (Annexure P-5) dismissed the same affirming the order of the Joint Registrar, Cooperative Societies. Respondent No.2 thereafter preferred revision before the State Government. The State Government by its impugned order dated 29.11.2011 (Annexure P-1) entertained the revision and set-aside the order of the Joint Registrar, Cooperative Societies dated 26.2.2011 and order of the Additional Registrar, Cooperative Societies dated 10.8.2011 and restored the order of the Deputy Registrar dated 6.9.2010 dismissing the claim of the petitioner.

- 6.** A careful perusal of the impugned order would show that the State Government did not deal with the contention of respondent No.2 on merits as to whether removal of the petitioner is in accordance with the Rules or not and whether he has been given a reasonable opportunity of hearing before terminating his services, but only dealt with the contention that since respondent No.5 has been reinstated by order dated 30.1.2006 (Annexure P-6), to which respondent No.2 has not challenged, therefore, this order has become final and therefore, removal of the petitioner is in accordance with law.

7. Once two authorities have already held that the petitioner's removal is in violation of the principles of natural justice and he has not afforded an opportunity of hearing, the State Government ought to have dealt with the contention of respondent No.2 on its own merit and revision could not have been allowed on the ground that respondent No.5 has already been reinstated, therefore, removal of the petitioner is in accordance with.
8. In that view of the matter, the impugned order dated 29.11.2011 (Annexure P-1) passed by the State Government is hereby set-aside.
9. The writ petition is allowed to the extent indicated hereinabove. No order as to cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-