

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2899 of 2021

Ramprasad Kashyap S/o Shri Ramadhar Kashyap Aged About 48 Years
Working As Junior Clerk (Earlier Promoted Assistant Accountant) , District
Cooperative Central Bank Limited, Bilaspur , Branch Mulmula, District
Bilaspur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Cooperative Department ,
Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur Chhattisgarh
2. The Joint Registrar Cooperative Societies, Raipur Division, Raipur
Chhattisgarh
3. The District Cooperative Central Bank Limited Bilaspur Chhattisgarh
Through Its Authorized Authority, District Cooperative Central Bank,
Bilaspur Chhattisgarh
4. The Staff Sub Committee District Cooperative Central Bank Limited
Bilaspur Chhattisgarh Through Its Authorized Authority / Chairman, District
Cooperative Central Bank , Bilaspur Chhattisgarh.
5. The Chief Executive Officer District Cooperative Central Bank Limited,
Bilaspur Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Ramakant Pandey, Advocate.
For State/Res.1 & 2	:	Shri Rahul Jha, GA
For Res. No.3 to 5	:	Shri P. N. Bharat, Sr. Advocate with Mr. Jitendra Shrivastava, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29/06/2021

1. The present writ petition has been filed claiming for two reliefs. Firstly for
refund of amount deposited by the petitioner in the suspense account and
secondly for opening of sealed cover and grant of promotion.

2. It has been found that petitioner has been subjected to departmental enquiry. The enquiry is already completed and Enquiry Officer has submitted his report and matter is now seized by the Staff Sub Committee/CEO which is a body which has to take a decision on the basis of outcome of the enquiry proceedings.
3. Today, when the matter is taken up on admission, learned counsel for the respondent no.3 to 5 submits that Staff Sub Committee/CEO is already seized of the matter and have already issued a notice to the petitioner calling upon his appearance before the Committee and for submission of his explanation before a decision is taken in the departmental enquiry .
4. Learned Senior counsel appearing for the respondents submits that entire claim of the petitioner both for promotion and his alleged claim for refund would also largely depend on the outcome of the decision taken by the Staff Sub Committee/CEO and therefore at this juncture the writ petition would be too premature to be entertained. The fact that the matter is seized by the Staff Sub Committee/CEO and notice having been issued by the Staff Sub Committee/CEO to the petitioner has not been disputed by the counsel for the petitioner. He only submits that it has been long that the Staff Sub Committee is seized of the matter, let Staff Sub Committee/CEO take a decision at the earliest.
5. Given the said submissions by the counsel appearing on either side on the admitted factual backdrop of there being departmental enquiry and enquiry having been concluded and matter being seized by the Staff Sub Committee/CEO which in turn, has already issued a notice to the petitioner for a personal hearing, it would not be appropriate at this juncture for this Court to delve into the relief sought for and on issues raised in the present writ petition. It would be the liberty of the petitioner to avail the remedy

available to the petitioner under the statutes governing his service conditions, in the event if petitioner is finally aggrieved of the decision of the Staff Sub Committee on the disciplinary proceedings which were initiated against him. Though, there is no prayer in this Petition for an early decision by the Staff Sub Committee(CEO) but yet it is expected that since the matter is seized by the Staff Sub Committee(CEO), it would take a decision expeditiously as early as possible.

6. With the aforesaid observations and liberty to the petitioner, the present writ petition stands disposed of.

Sd/-

(P. Sam Koshy)
Judge

Rohit