

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 3462 of 2021

1. Gowardhan Nirmalkar S/o Lt. Shri Ghana Ram Nirmalkar Aged About 57 Years R/o In Front Of Agashe I. T. I, Beside Ajay Kirana Store, Ashwini Nagar, Raipur District Raipur Chhattisgarh

---Petitioner(s)

Versus

1. State Of Chhattisgarh Through - The Secretary, Department Of Cooperative Societies, Mantralaya, Mahanadi Bhawan, Atal Nagar, P. O. Rakhi, District - Raipur Chhattisgarh
2. Registrar Co-Operative Societies, Block 3, 2nd And 3rd Floor Indravati Bhawan, Naya Raipur Atal Nagar, P. O. Rakhi, District - Raipur Chhattisgarh
3. Deputy Registrar Co-Operative Societies, Raipur Division District - Raipur Chhattisgarh
4. District Cooperative Society Reg. No. D. R./ R. P. R. 23, Year 1961, Through Its President, Sahkari Sadan, Rejendra Nagar (Choubey Colony), Raipur District - Raipur Chhattisgarh
5. Manager District Co-Operative Society Reg. No. D. R./ R. P. R. 23, Year 1961, Through Its President, Sahkari Sadan, Rejendra Nagar (Choubey Colony), Raipur District - Raipur Chhattisgarh

---Respondents

For Petitioner	:	Shri Anish Tiwari, Advocate.
For Respondent State	:	Shri Amrito Das, Addl. Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12.07.2021

1. Challenge in the present writ petition is to the notice dated 11.05.2021.
The impugned notice is a notice of retirement issued to the petitioner on his reaching of age of 58 which is the age of retirement under the respondents No.4&5.
2. The respondents No.4&5 admittedly is a Co-operative Society governed by the provisions of Chhattisgarh Co-operative Societies Act, 1960 (in short, the Act, 1960). On a query being put to the counsel for the petitioner, he submits that the age of retirement of other employees under the respondents No.4&5 are also 58 years.

3. The Act, 1960 itself has a mechanism for resolving the disputes between the employees of the particular Co-operative Society by raising a dispute before the Deputy Registrar under Section 55(2) of the Act, 1960. Thus, the Act under which the respondents No.4&5 are governed itself having a mechanism of settlement of dispute, it would not be appropriate at this juncture for this court to invoke the writ jurisdiction and subject the notice of retirement to judicial review. It would also not be appropriate at this juncture to test the veracity of the notice of retirement issued to the petitioner for the reason that admitted for the other members of the society the age of retirement is also 58 years. Thus, the petitioner would require to challenge the age of retirement of the employees and members of the respondents No.4&5 society by raising a dispute under the Act, 1960 and get a decision which would be uniformly applicable upon the employees working under the respondents No.4&5.
4. In view of the same, on the ground of there being an alternative statutory remedy available to the petitioner, the writ petition at this juncture deserves to be and is accordingly disposed of, reserving the right of the petitioner to approach the concerned authorities under the provision of the Act 1960 for ventilating his grievances. In the event if the petitioner raises a dispute to the authorities concerned, the authorities are expected to take a decision at the earliest in accordance with law particularly keeping in mind the fact that the petitioner in terms of the impugned notice of retirement is to retire on 31.07.2021.
5. With the aforesaid liberty and observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge