

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Proceedings through video conferencing****WA No. 197 of 2021****(Arising out of order dated 05-07-2021 passed by the learned Single Judge in WPS No. 2032 of 2021)**

1. Smt. Chitrarekha Kaushik W/o Late Shri Mathura Prasad Kaushik Aged About 40 Years Working As Class III, Clerk-Cum-Computer Operator, District Cooperative Central Bank Limited, Branch Ratanpur, District Bilaspur, Chhattisgarh.

---- Appellant**Versus**

1. State of Chhattisgarh Through The Secretary, Cooperative Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur, Chhattisgarh.
2. The District Cooperative Central Bank Limited, Head Office Bilaspur, Through Its Chief Executive Officer, District Cooperative Central Bank Limited, Head Office Bilaspur, Chhattisgarh.

---- Respondents

For Appellant	-	Shri Ramakant Pandey, Advocate.
For respective Respondents/State-		Shri Chandresh Shrivastava, Dy. Advocate General, Shri Prafull N. Bharat, Senior Advocate with Shri Jitendra Shrivastava, Advocate.

Hon'ble Shri Prashant Kumar Mishra, Ag.Chief Justice.**Hon'ble Shri Parth Prateem Sahu, J.****Judgment on Board****By****Hon'ble Shri Prashant Kumar Mishra, Ag.Chief Justice.**

22-07-2021

1. Heard.
2. Challenge in the writ petition was to the order dated 25-02-2020 and 30-01-2021, whereby the District Central Cooperative Bank limited, Bilaspur has ordered for recovery in respect of dues against petitioner's late husband. The writ petition has been dismissed on the ground of availability of alternative remedy in the shape of raising a dispute under Section 55 (2) of the Chhattisgarh Cooperative Societies Act, 1960.
3. Shri Prafull N. Bharat, learned Senior counsel appearing for the respondent No.2 submits that the remedy for the petitioner lies in moving the Competent Authority i.e. the jurisdictional Deputy Registrar, Cooperative Society under Section 64 of the Act, 1960.
4. Learned counsel for the petitioner refers to orders passed by this Court in WA No.205/2015 **Umend Singh Marko & others Vs. State of Chhattisgarh & others** and WPC No.2541 of 2016 **Shrimati Rukhmani Verma Vs. State of Chhattisgarh & others**, to argue that when principles of natural justice have been violated, in the event in dispute pertaining to cooperative society, a writ petition would be maintainable.
5. In the matter of Umend Singh Marko(supra) and Shrimati Rukhmani Verma (supra), the dispute was between the office bearers of the Society who have been superseded. It was not a dispute between employee of a Cooperative Society and the Society itself.
6. In view of the above, we are not inclined to interfere with the order passed by the learned Single Judge.
7. Accordingly, the writ appeal is dismissed. However, it is directed that, if the petitioner moves before the jurisdictional Cooperative Authority raising a dispute under Section 64 of the Act, 1960 within six weeks, the same shall be considered and decided within a period of six months, in accordance with law and on its own merits.

8. Since, it is a case of recovery from salary, the petitioner may also move an application for grant of interim relief which shall be considered and decided on its own merits.

SD/-

(Prashant Kumar Mishra)
Acting Chief Justice

SD/-

(Parth Prateem Sahu)
Judge

Amardeep