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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4085 of 2021**

1. Bharatlal Pandey S/o Late Shri Narayan Prasad Pandey Aged About 60 Years Samiti Prabandhak (Dismissed) Branch Maro, District Bemetara . R/o Kududand, Matachaura Street No. 4, Police Station Civil Lines, Bilaspur , District Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Cooperative Societies, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Registrar Cooperative Societies Vivekanand Complex, Pension Bada, Raipur , Chhattisgarh.
3. Chhattisgarh State Cooperative Tribunal Through Its Chairman , Bilaspur District Bilaspur Chhattisgarh.
4. Deputy Registrar Cooperative Societies, Bemetara, District Bemetara Chhattisgarh.
5. Chief Executive Officer Zila Sahakari Kendriya Bank, Maryadit , G.E. Road, Durg , District Durg Chhattisgarh.

---- Respondents

For Petitioners	:	Ms. Naushina Afrin Ali, Advocate
For State	:	Mr. Ishan Verma, Panel Lawyer.
For Respondents No. 5	:	Mr. Manish Upadhyay, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****12.08.2021**

1. The present writ petition has been filed seeking for the following reliefs:-

10.1 That, this Hon'ble Court may kindly be pleased to call for the entire records of the case of the petitioners from the possession of the respondents.

10.2 That, this Hon'ble Court may kindly be pleased to issue an appropriate writ/order/direction and direct the respondent bank (Respondent No. 5) to reinstate the

petitioner in service with all back wages and other benefits as per the order dated 22.08.2019 passed by the Learned Chhattisgarh State Cooperative Tribunal Bilaspur.

10.3 Any other relief as this hon'ble Court may deem fit and proper in the facts and circumstances may also be granted to the petitioner.

2. From the facts narrated in the writ petition, it appears that the said reliefs have already been granted to the petitioner in a proceeding under Section 55 of the CG Cooperative Societies Act vide an order of the Deputy Registrar Cooperative Societies dated 07.04.2018 Annexure P/1. The said order has also been affirmed by the Registrar in the first appeal vide its order dated 05.11.2018 and further it has been affirmed in a second appeal by the order of the Tribunal dated 22.08.2019. The three orders referred to in the preceding paragraphs are now under challenge by the respondent No. 5 before this Court in a Writ Petition i.e. WP(S) No. 4406 of 2020. The said writ petition has already been admitted for hearing and the matter is still pending.
3. Given the said facts that the writ petition preferred by the Bank is already pending before this Court, the present writ petition in its present form would not be sustainable, as the petitioner has already got the relief that he has sought for in the present writ petition from the authorities under the Cooperative Societies Act and the Appellate Forum under the said act.
4. The grievance of the petitioner as of now seems to be the non-compliance of an order passed by the Deputy Registrar which has affirmed uptill the stage of the second appeal. This being the factual backdrop, the remedy as of now for the petitioner lies by taking an appropriate/suitable execution proceedings before the authorities who has granted the relief of reinstatement with all consequential benefits i.e. the Deputy Registrar Cooperative Societies who has passed the order dated 07.04.2018.
5. As long as there is no interim order so far as the operation of the order passed by the authorities below, the orders are all executable. The power of

execution would also be with the authority who has passed the order. The writ Court as such cannot be converted into an execution forum for the orders passed by the Deputy Registrar, which subsequently stands affirmed up-till the second appeal stage.

6. Given the said facts, reserving the right of the petitioner to approach the Deputy Registrar Cooperative Societies for necessary proceedings for execution of the order dated 07.04.2018 Annexure P/1, the present writ petition at this juncture stands disposed of.

**Sd/-
P. Sam Koshy
Judge**

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HIGH COURT OF CHHATTISGARH AT BILASPUR**MCC No. 501 of 2021**

- Bharatlal Pandey, S/o Late Shri Narayan Prasad Pandey, aged about 60 years, Samiti Prabandhak (Dismissed), Branch Maro, District Bemetara. R/o. Kududand, Matachaura, Street No.4, Police Station Civil Lines, Bilaspur, District Bilaspur (CG) **... Applicant/Petitioner**
versus

1. State of Chhattisgarh, through Secretary, Department of Cooperative Societies, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (CG)
2. Registrar, Cooperative Societies, Vivekanand Complex, Pension Bada, Raipur (CG)
3. Chhattisgarh State Cooperative Tribunal, through its Chairman Bilaspur, District Bilaspur (CG)
4. Deputy Registrar, Cooperative Societies, Durg, District Durg (CG)
5. Chief Executive Officer, Zila Sahkari Kendriya Bank, Maryadit, G.E. Road, Durg, District Durg (CG) **... Non-applicants/Respondents**

For Applicant/Petitioner : Ms. Naushina Ali, Advocate.

For Non-applicants/
Respondents/State : Ms. Akanksha Jain, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

[17/09/2021]

1. The present MCC has been filed by Applicant/Petitioner seeking for modification of Order dated 12.8.2021 passed in W.P.(S) No.4085/2021.
2. The modification sought for is only to the extent of the address of Respondent No.4.
3. Learned Counsel for Applicant/Petitioner submits that due to clerical error on the part of their office itself, the address of Respondent No.4 in the Writ Petition has wrongly been written as "Deputy Registrar, Cooperative Societies, Bemetara, District Bemetara, Chhattisgarh" instead of "Deputy Registrar, Cooperative Societies, Durg, District Durg, Chhattisgarh" and the same error thus also crept in the Order dated 12.8.2021 and therefore she prays for modification to that extent in the Order as well as in the original Writ Petition.

4. The said modification/amendment sought for by learned Counsel for Applicant/Petitioner is not opposed by learned Dy. Govt. Advocate appearing for Non-applicants/State, subject to due verification of facts.
5. Accordingly, the Order dated 12.8.2021 passed in W.P.(S) No.4085/2021 stands modified to the extent that the status/address of Respondent No.4 shall be read as "Deputy Registrar, Cooperative Societies, Durg, District Durg, Chhattisgarh" instead of "Deputy Registrar, Cooperative Societies, Bemetara, District Bemetara, Chhattisgarh".
6. Learned Counsel for Applicant/Petitioner is also directed to ensure that the record of the W.P.(S) No.4085/2021 be also amended accordingly during the course of the day itself.
7. Registry is directed to make available the record of W.P.(S) No.4085/2021 to the Counsel for Applicant/Petitioner for necessary amendment.
8. Applicant/Petitioner shall be provided with the Certified Copy of this Order only after necessary amendment is made in W.P.(S) No.4085/2021.
9. Let a copy of this Order be also made a part of the record of W.P.(S) No.4085/2021.
10. MCC is allowed and disposed of accordingly.

Sd/-
(P. Sam Koshy)
Judge