

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 4357 of 2021

1. Jyotish Sahu S/o Late Shri Paras Ram Sahu Aged About 58 Years R/o New Changora Bhata, Shiv Nagar, Near Kali Mandir, Raipur, District Raipur (Chhattisgarh)

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department of Cooperative Societies, Indravati Bhawan, Naya Raipur, District Raipur (Chhattisgarh).
2. District Cooperative Society Limited (Cooperative Printing Press) Raipur Cooperative Building, Rajendra Nagar, Choubey Colony, Raipur, Chhattisgarh.

---Respondents

For Petitioner	:	Smt. Shailja Shukla, Advocate.
For State	:	Ms. Sunita Jain, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19.08.2021

1. The petitioner through the present writ petition is aggrieved of the order dated 01.02.2021 whereby the notice of retirement of the petitioner was issued w.e.f. 30.04.2021 at the age of 58 years.
2. The grievance of the petitioner is that under the respondent No.2, the place where the petitioner was working, the age of retirement in terms of the order passed by the Registrar, Cooperative Societies was enhanced to 62 years. Accordingly, the notice of retirement intimating the petitioner that he would stand retired from 30.04.2021 is per se illegal and bad.
3. At the outset, this court is of the opinion that since the petitioner was working under the respondent No.2 which is a Cooperative Society governed under the provisions of the Chhattisgarh State Co-operative Societies Act, 1960 (in short, the Act, 1960), and the said Act itself having a specific provision for redressal of disputes and authorities prescribed for redressal of the dispute, it would not be appropriate at this juncture for the

High Court invoking writ jurisdiction under Article 226 of the Constitution of India to decide the issue. Moreover, for deciding the issue raised in the present writ petition recording of evidence on either side would also be required. Therefore, the appropriate remedy for the petitioner is to raise an appropriate dispute invoking the provisions of Section 55(2) of the Act, 1960.

4. Accordingly, reserving the right of the petitioner to avail appropriate remedies for the same, the writ petition at this juncture stands disposed of. The petitioner would be at liberty to explain the delay caused in appearing before the authorities within the stipulated period and upon such application being filed, the concerned authority shall consider and decide the same in accordance with law.
5. With the aforesaid observations the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder