

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3441 of 2021**

- Chhattisgarh Urban Cooperative Bank Federation Maryadit Through Its Acting Chief Executive Officer Namely Manjeet Singh Hura S/o Lt. Sh. P. K. Hura, Aged About 59 Years R/o Near Gayatri Hospital, Behind Government Ayurvedic Quarters Dangania Raipur District Raipur Chhattisgarh

---- Petitioner**Versus**

1. Reserve Bank Of India Through Its Secretary, Reserve Bank Of India, C/o Cgm-In-Charge And Secretary, Secretary's Department Reserve Bank Of India 16th Floor, Central Office Building Shahid Bhagat Singh Marg Mumbai 400001
2. Chief General Manager Reserve Bank Of India, Central Office, Department Of Regulation, 12th Floor, Central Office Building Shahid Bhagat Singh Marg Mumbai 400001
3. State Of Chhattisgarh Through Its Secretary, Cooperative Department, Mahanadi Bhawan, Mantralaya Atal Nagar Raipur District Raipur Chhattisgarh
4. Registrar Cooperative Society Chhattisgarh Raipur Office Of Block 3, 2nd And 3rd Floor, Indrawati Bhawan, Naya Raipur Chhattisgarh
5. Laxmi Mahila Nagrik Sahakari Bank Maryadit Through Its President 1st Floor, Millennium Plaza Complex, G. E. Road, Raipur District Raipur Chhattisgarh

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For Petitioner	:	Shri Kishore Bhaduri, learned Senior Advocate with Shri Rahul Tamaskar, Advocate.
For Respondents 3 & 4/ State	:	Shri Alok Bakshi, Addl. Advocate General

Single Bench: Hon'ble Shri Sanjay Agrawal, J**Order On Board****24.08.2021**

1. By way of this petition, the petitioner – Chhattisgarh Urban Cooperative Bank Federation Maryadit, registered under the provisions of the Chhattisgarh Societies Registration Act, 1960, has questioned the memo dated 25.06.2021 (Annexure P/1) issued by Respondent No.2 – Chief General Manager,

Reserve Bank of India, Mumbai regarding appointment of Managing Director (MD) / Whole Time Director (WTD) in Primary (Urban) Cooperative Banks, which provides, inter alia, the tenure of MD/WTD. According to the petitioner, the Managing Directors are appointed on the basis of Rules framed under the Chhattisgarh Cooperative Societies Act, 1960 and under the said Rules, they hold the post till the age of superannuation and removals of theirs are strictly as per the Service Rules and also according to the provisions provided under Article 311 of the Constitution of India. It is alleged in the petition that according to clause 4 of the impugned memo, tenure of the Managing Director has been arbitrarily limited to 5 years, unless terminated or removed earlier. It is stated further in the petition that by virtue of the impugned memo, the post of Managing Director and the Whole Time Director cannot be held by the same incumbent for more than 15 years and it provides further that the individual will be eligible for re-appointment as MD / WTD in the same Bank, if considered necessary and desirable by the Board, after a minimum gap of 3 years subject to meeting of other conditions, as stipulated therein. Further contention of the petitioner is that the Urban Cooperative Bank whose existing Managing Director has completed a tenure of 5 years has to approach the Reserve Bank of India, according to the impugned memo, either to seek re-appointment, if he/she is eligible, or for appointment of a new Managing Director within a period of 2 months from the date of issuance of the said memo, which is completely in ignorance of the actual structure and condition of service in Cooperative Banks. It is, therefore, stated that the memo impugned would lead to the major crisis where services of an employee, who has been appointed as MD / CEO on the basis of his/her merit and after rendering long years of service might get abruptly ended after tenure of 5 years, if he or

she fails to get re-appointment in terms of the impugned memo. The impugned memo, if implemented, would cause an irreparable injury to the petitioner, and therefore, liable to be quashed.

2. At the outset, it appears that before filing of this petition, the impugned memo has already been questioned by the petitioner by way of the representation on 23.07.2021 (Annexure P/6) and the same is still pending before the concerned Authority, and therefore, the petition as framed and instituted immediately thereafter within a month, i.e., on 18.08.2021 appears to be prematured in nature. In view thereof, I am not inclined to interfere the memo impugned issued on 25.06.2021 at this stage.

3. Accordingly, the petition is dismissed. No order as to costs.

Sd/-
(Sanjay S. Agrawal)
JUDGE