

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4720 of 2021

Radheshyam Ambade S/o Shri Bahadurlal Ambade Aged About 40 Years
R/o Village Duwalgundra, Post Chilhati, Tahsil Ambagarh Chowki, District
Rajnandgaon Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Cooperative Affairs, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
2. Registrar Cooperative Societies, Indrawati Bhawan, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
3. Joint Registrar Cooperative Societies, Durg Division, Bunkar Sangh Bhawan, Station Road, Santra Badi, Durg District Durg Chhattisgarh
4. District Cooperative Central Bank Limited Rajnandgaon Through Its Chief Executive Officer, District Rajnandgaon Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Shashank Thakur, Advocate.
For State	:	Mr. Jitendra Pali, Dy. AG

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/09/2021

1. The present writ petition has been filed alleging inaction on the part of the respondent no.4 in not granting the joining to the petitioner in spite of there being an order in favour of the petitioner as early as on 27.03.2021 Annexure P-6 passed by the respondent no.3 Joint Registrar, Cooperative Societies, Durg Division District Durg.
2. Brief facts of the case is that the petitioner was working under the respondent no.4 as a Clerk Cum Computer Operator Grade-IV. His

appointment was in the year 2009. He continued to work on the said post and was subsequently regularized in service in the year 2011. However, vide order dated 29.04.2017, the services of the petitioner stood terminated by the order of dismissal without conducting any departmental enquiry. The order of dismissal was assailed before the Deputy Registrar who had finally stayed the effect and operation of the order of dismissal on 06.04.2018. Since there was no compliance of the order dated 06.04.2018 by the respondent no.4 the petitioner had approached this Court in WPS 3089/2019 and this Court vide order dated 26.06.2019 disposed of the writ petition directing the respondent no.3 i.e. the Deputy Registrar to conclude the proceedings at the earliest. Deputy Registrar vide order dated 30.09.2019 dismissed the application raised by the petitioner. Against the said order, the petitioner had preferred an appeal before the Registrar, Co-operative Societies and thereafter the matter was came to the Joint Registrar, Co-operative Society, Durg Division. The Joint Registrar after hearing the parties finally vide the order dated 27.03.2021 allowed the appeal of the petitioner. Thereafter the said order of dismissal as also setting aside the order passed by the Deputy Registrar, ordered for reinstatement of the petitioner in service without backwages. It is non compliance of this order which has led to the filing of the present writ petition.

3. At this juncture, it would be worth mentioning that once when there is an order already in favour of the petitioner of reinstatement without backwages by an authority under the statutes for execution of the order it is the same authority who has passed the order who would be entrusted, for the same the petitioner therefore have to approach respondent no.2 & 3 in ensuring that the order dated 27.03.2021, unless the same is

challenged before any other higher forum or is stayed of its operation, is executed in its letter and spirit.

4. Reserving the right of the petitioner to approach the respondent no.2 & 3 for ventilating his grievance and if the petitioner approaches the respondent no.2 & 3 the said application of the petitioner has to be taken cognizance of and due proceedings be drawn in accordance with law and conclude the proceedings at the earliest.
5. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit