

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) NO. 450 OF 2022

Brajabandhu Nayak and others *Petitioners*
Mr. Prabir Kumar Ray, Advocate
-versus-
State of Odisha and others *Opp. Parties*
Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
11.01.2022

Order No.

1. This matter is taken up through video conferencing mode.
2. The Petitioners, who are members of Kalipoi Service Co-operative Society Ltd., Kalipoi, have filed this writ petition assailing the order dated 31st December, 2021 (Annexure-10) passed by the Member, Co-operative Tribunal, Odisha, Bhubaneswar in Misc. Case No. 67 of 2021 arising out of S.D. No. 47 of 2021.
3. Mr. Ray, learned counsel for the Petitioners submits that while issuing notice in the matter in the service dispute, learned Member, Co-operative Tribunal, Odisha, Bhubaneswar without affording opportunity to the Petitioners granted stay operation of the order dated 7th December, 2018 passed by the President, Kalipoi Service Co-operative Society Ltd. suspending Rabindra Kumar Dash, Secretary, Kalipoi SCS Ltd., Kalipoi (Opposite Party No.5) from service. It is his submission that there is no elected body of the Society at present as it was dissolved. Before passing any interim order, learned Member, Co-operative Tribunal, Odisha, Bhubaneswar should have given an opportunity of hearing to the Petitioners. The Petitioners are not in a position to file a petition for recall of the said interim order as the date

of their appearance has been fixed to 2nd February, 2022. In the event the order impugned is given effect to, it would lead to chaotic situation in the management of the Society. Hence, he prays for setting aside the impugned order.

4. Mr. Mishra, learned Additional Standing Counsel submits that the Petitioners, if so advised, may file a petition for recall of the interim order dated 31st December, 2021 by advancing the date of posting of the case.

5. Taking into consideration the submissions made by learned counsel for the parties, this Court without expressing any opinion on the merits of the case disposes of this writ petition with a direction that in the event the Petitioners file an application for recall of the interim order dated 31st December, 2021 passed in Misc. Case No. 67 of 2021 arising out S.D. No.47 of 2021 within a period of two weeks hence along with an authenticated copy of this order, learned Member, Co-operative Tribunal, Odisha, Bhubaneswar shall do well to entertain the same and pass a reasoned order in accordance with law giving opportunity of hearing to the parties concerned as expeditiously as possible preferably within a period of four weeks therefrom.

6. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website at par with certified copy subject to attestation by the concerned Advocate in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020, modified by Notice No.4798 dated 15th April, 2021 and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.