

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.28183 of 2022

Ashish Kumar Pradhan

....

Petitioner

Mr.B.S.Panigrahi, Advocate

-versus-

State of Odisha & others

....

Opposite Parties

Mr. P.K.Rout, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

02.11.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as the learned Additional Government Advocate for the State.
3. The present writ application has been filed by the Petitioner with a prayer to quash the suspension order dated 23.09.2022 under Annexure-6 at the instance and on the basis of the letter issued by the A.R.C.S. dated 22.08.2022. On perusal of the order under Annexure-5, issued by the Assistant Registrar, Cooperative Societies to the President of Notar SCS Ltd, it is seen that the Assistant Registrar has observed that an enquiry was conducted as per the direction of the State Co-operative Tribunal and the Secretary was found guilty. Therefore, the President of the Co-operative Society has been asked to initiate disciplinary action against the Petitioner.
4. Learned counsel for the Petitioner submits that the Petitioner is not at all involved and he has not interfered in the election process. Further it is submitted that since the father of the Petitioner is victimized on political ground. It is further submitted that while conducting the enquiry the Petitioner was not provided with any show

cause.

5. Although this matter should have been entertained by the Co-operative Tribunal as pr the Co-operative Society Act. However, since there is no P.O. at the moment the Tribunal has no authority. On instruction learned counsel for the State submits that there is no P.O. at the moment. Therefore, even if there is an alternative remedy is provided. Considering the fact that the same is not efficacious this Court is not inclined to entertain the writ application.

6. Heard the contentions of the learned counsel for the respective parties and the materials placed before this Court, this Court deems it proper to dispose of the wit application at the stage of admission, without expressing any opinion on the merits of the case directing the Petitioner to approach the A.R.C.S. taking all the grounds available to him along with the documents, the same shall be considered by providing an opportunity of hearing to the Petitioner within a period of four weeks from the date of production of certified copy of this order. The Registrar, Co-operative Societies is directed to take a decision in the matter by passing a speaking and reasoned order taking into consideration the contentions raised by the Petitioner. The final order is to be passed by the Registrar, Co-operative Society, which shall be binding on the President, Notar SCS and on the basis of the order likely to be passed the President of the Notar Co-operative Society is directed to served order of suspension passed under Annexure-6.

7. With the aforesaid observation, the writ application stands disposed of.