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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2306 of 2020

Sandeep Kumar Jaiswal, S/o Late Shri L.P. Jaiswal, aged about 37 years, R/o Rajeev Gandhi Chowk, Jarhabhatha, Bilaspur, District Bilaspur, Chhattisgarh.

... Petitioner

versus

1. State of Chhattisgarh, through the Secretary, Co-operative Department, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.

2. The Registrar, Co-operative Societies, Raipur, Indrawati Bhawan, Naya Raipur, District Raipur, Chhattisgarh.

3. The Joint Registrar, Co-operative Societies, Bilaspur, In front of Collectorate, Bilaspur, District Bilaspur, Chhattisgarh.

4. Zila Sahkari Kendriya Bank Maryadit, Bilaspur, through the Chief Executive Officer, Nehru Chowk, Bilaspur, District Bilaspur, Chhattisgarh.

5. The Collector/Designated Officer, Zila Sahakari Kendriya Bank, Bilaspur, District Bilaspur, Chhattisgarh.

6. The Chief Executive Officer, Zila Sahakari Kendriya Bank Maryadit, Nehru Chowk, Bilaspur, Chhattisgarh.

... Respondents

For Petitioner	:	Mr. Prateek Sharma, Advocate.
For Respondents No.1 to 3	:	Mr. Sharad Mishra, Panel Lawyer.
For Respondents No.4 to 6	:	Mr. Prafull N. Bharat, Senior Advocate with Mr. Jitendra Shrivastava and Mr. Javed Khan, Advocates.

Single Bench:-
Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

01/09/2026

1. The petitioner herein namely Sandeep Kumar Jaiswal has filed this writ petition calling in question legality, validity and correctness of order dated 20-2-2020 passed by the Chhattisgarh State Co-operative Tribunal, Bilaspur in Appeal Case No.2/2020 by which the appeal filed by the respondent Bank has been allowed and the order passed by the Joint Registrar, Co-operative Societies, Raipur, Division Raipur, dated 5-12-2019 in Case No.55(2)/19/2019, has been set aside.

2. The aforesaid challenge has been made on the following factual backdrop: -

3. The petitioner's services were terminated by order dated 1-9-2018 leading to filing of service dispute under Section 55(2) of the Chhattisgarh Co-operative Societies Act, 1960 (for short, 'the Act of 1960') before the Registrar, Co-operative Societies, which came to be transferred to the Joint Registrar, Co-operative Societies. Notice for personal appearance by the Staff Sub-Committee dated 2-8-2018 was issued to the petitioner to appear on 10-8-2018. However, the notice for personal appearance dated 2-8-2018 was challenged by the petitioner before the Court of Registrar, Co-0operative Societies in which interim order was granted on 8-8-2018 that no adverse order be passed against the petitioner and the matter was fixed on 14-8-2018. Copy of the interim order dated 8-8-2018 was filed before the

Staff Sub-Committee, however, the Staff Sub-Committee decided to terminate the services of the petitioner on 10-8-2018 and ultimately, the petition filed by the petitioner before the Registrar, Co-operative Societies was dismissed on 28-8-2018 and thereafter, the order of termination was passed on 1-9-2018.

4. The Joint Registrar, Co-operative Societies, in the service dispute raised under Section 55(2) of the Act of 1960, by order dated 5-12-2019 held that by order dated 10-8-2018, the Staff Sub-Committee has decided to terminate the services of the petitioner in violation of the order of the Registrar, Co-operative Societies dated 8-8-2018 and therefore the Joint Registrar, Co-operative Societies has set aside the order dated 10-8-2018 by which decision was taken to terminate the services of the petitioner and the order of termination dated 1-9-2018 was also set aside. The Joint Registrar further directed that the Bank will provide documents to the petitioner as stated in the show-cause notice dated 9-8-2017 and as per the decision taken in the Staff Sub-Committee proceeding dated 28-2-2018, the provision contained in Section 49-B of the Act of 1960 will be followed with liberty to pass order afresh.

5. Feeling aggrieved against the order dated 5-12-2019, the respondent Bank filed appeal before the Chhattisgarh State Co-operative Tribunal which ultimately set aside the order dated 5-12-2019 leading to filing of the present writ petition by the petitioner herein.

6. Mr. Prateek Sharma, learned counsel appearing on behalf of the petitioner, would submit that the order impugned passed by the Co-operative Tribunal is totally unsustainable and bad in law, the order is totally perverse and without authority of law. He would further submit that the Co-operative Tribunal has completely gone beyond the record to set aside the order of the Joint Registrar, Co-operative Societies dated 5-12-2019 and as such, the order dated 5-12-2019 be restored by setting aside the order impugned passed by the Co-operative Tribunal.

7. Mr. Prafull N. Bharat, learned Senior Counsel appearing on behalf of the Bank/respondents No.4 to 6, would support the impugned order and oppose the writ petition, however, vehemently submit that the finding recorded that the Staff Sub-Committee has passed resolution on 28-2-2018 and decided to proceed under Section 49-B of the Act of 1960 is bad in law and the Co-operative Tribunal has rightly set aside the order dated 5-12-2019 passed by the Joint Registrar, Co-operative Societies as no proceeding has taken place on 28-2-2018. Therefore, the order dated 5-12-2019 has rightly been set aside and as such, the writ petition deserves to be dismissed.

8. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also gone through the record with utmost circumspection.

9. It is admitted fact on record that the notice for personal hearing dated 2-8-2018 issued by the Bank was challenged by the petitioner

before the Registrar, Co-operative Societies under Section 80-A of the Act of 1960 in which the Registrar, Co-operative Societies passed order dated 8-8-2018 directing that no adverse order be passed against the petitioner, however, contrary to that, the Staff Sub-Committee on 10-8-2018 resolved/decided to terminate the services of the petitioner and when the application under Section 80-A of the Act of 1960 was dismissed by the Registrar, Co-operative Societies on 28-8-2018, the respondent Bank has terminated the services of the petitioner on 1-9-2018. The Registrar, Co-operative Societies in its order dated 8-8-2018, while entertaining the challenge to the notice of personal hearing, has clearly recorded a finding that no adverse order be passed against the petitioner, however, flouting that order, the Staff Sub-Committee took decision on 10-8-2018 to terminate the services of the petitioner despite the copy of the order having been produced before it and ultimately, when the formal order was passed by the Registrar, Co-operative Societies dismissing the application filed by the petitioner under Section 80-A of the Act of 1960, on 28-8-2018, the services of the petitioner were terminated by the Bank on 1-9-2018. As such, the proceeding dated 10-8-2018 of the Staff Sub-Committee was in violation of the order dated 8-8-2018 passed by the Registrar, Co-operative Societies. In that view of the matter, the Joint Registrar, Co-operative Societies proceeded to set aside the order dated 10-8-2018 and also the order of termination of the petitioner dated 1-9-2018, as it was not in accordance with law. However, the Co-operative Tribunal has unnecessarily and without

recording any valid and correct finding has interfered with the order passed by the Joint Registrar, Co-operative Societies dated 5-12-2019. Since the order of the Staff Sub-Committee dated 10-8-2018 was in violation of the order of the competent court, the order dated 10-8-2018 and the consequent order of termination dated 1-9-2018 have rightly been set aside by the Joint Registrar and as such, the order passed by the Joint Registrar could not have been interfered with by the Co-operative Tribunal. As such, to that extent, the impugned order passed by the Co-operative Tribunal is set aside. Since the Registrar, Co-operative Societies has entertained the petition against the personal hearing notice dated 2-8-2018 and interim order was passed, therefore, after the application under Section 80-A of the Act of 1960 was dismissed by the Registrar by order dated 28-8-2018, proper course open to the Staff Sub-Committee was to give a fresh opportunity of hearing to the petitioner, however, the Staff Sub-Committee has arbitrarily proceeded to pass order dated 1-9-2018 terminating the services of the petitioner.

10. So far as the validity of the proceeding dated 28-2-2018 is concerned, the Joint Registrar, Co-operative Societies has only granted liberty to the respondent Bank to proceed further and held that if the Bank decides to proceed afresh, it is open to the Staff Sub-Committee to clearly record a finding as to whether the proceeding dated 28-2-2018 was in fact, if recorded, in accordance with law or not. I hope and trust that since the Staff Sub-Committee consists of two

Governmental officers namely, Deputy/Assistant Registrar, Co-operative Societies and Deputy Director, Agriculture, they shall look into the matter while deciding the existence of the proceeding dated 28-2-2018 and opportunity will be given to both the parties to establish the existence of order dated 28-2-2018. The Staff Sub-Committee being the responsible body will look into the matter strictly in accordance with law and without being prejudiced by any of the parties.

11. In that view of the matter, the writ petition is partly allowed and the order impugned dated 20-2-2020 passed by the Chhattisgarh State Co-operative Tribunal, Bilaspur in Appeal Case No.2/2020 is set aside to the extent indicated herein-above. Parties shall bear their own costs.

Sd/-
(Sanjay K. Agrawal)
JUDGE

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