

W.P.No.16093/2007

31/07//2014

None for the petitioner.

Calling in question the tenability of an order dated 08-10-2007, passed by the Central Administrative Tribunal, Jabalpur Bench, Jabalpur, in the matter of recovery of certain amount from the petitioner, this writ petition has been filed.

The petitioner is a guarantor of an employee, who had taken loan from G.C.F. Cooperative Society, Jabalpur. When the said employee, who had taken loan did not repay the amount, the petitioner was a surety was proceeded under Cooperative Societies Act and the amount was recovered from him. Challenging the recovery, the petitioner approached the Central Administrative Tribunal Jabalpur Bench. The Tribunal found that the dispute is not a service dispute, it is a dispute with regard to recovery of debt by the Cooperative Society and therefore, the Tribunal has no jurisdiction.

Challenge to the same has been made in this writ petition and even though the petitioner has been granted repeated opportunities since 2007 to produce bylaws of the society and other provisions to show that this is a service dispute but noting is produced.

In view of the above, we are satisfied that this is not a service dispute, therefore this court cannot take cognizance in the matter of recovery of loan under the Cooperative Societies Act, instead the petitioner should take recourse to the remedy available under the Cooperative Societies Act for redressal of his grievance.

Accordingly finding no ground this writ petition is dismissed.

(RAJENDRA MENON)  
JUDGE

( ALOK VERMA )  
JUDGE

hsp