

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 10830 of 2019**

- Santosh Kumar Nivsarkar @ S.K. Nivsarkar, S/o late S.C. Nivsarkar, aged about 52 years, presently working as Chief Executive Officer of Zila Sahakari Kendriya Maryadit, Durg, R/o near Kalibadi Mandir, S.A.F. Line Sindhiya Nagar, Durg Tahsil and District Durg C.G.

----Petitioner**VERSUS**

1. State of Chhattisgarh through Secretary, Department of Cooperative Affairs, Mahanadi Bhavan, Mantralaya, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh.
2. Registrar, Cooperative Societies Chhattisgarh, Indrawati Bhavan, Atal Nagar, Nava Raipur, District Raipur C.G.
3. Collector, Durg, District Durg C.G.
4. President Zila Sahakari Kendriya Bank Marydit, Durg C.G. office at G.E. Road, Durg, District Durg C.G.

-----Respondents

For Petitioner	:	Mr. Ajay Thakre, Advocate
For Respondent-State	:	Mr. Ghanshyam Patel, Government Adv.
For Respondent No. 4	:	Mr. Sanjeev Sahu, Adv.

Hon'ble Shri Rajendra Chandra Singh Samant, Judge**Order on Board****24/12/2019**

1. Being aggrieved by the order passed by respondent No. 2, exercising power under Section 53(B)(i) of the Chhattisgarh Cooperative Societies Act, 1960.
2. It is submitted that in the impugned order, respondent No. 2 has given a mandate to remove the petitioner from his present post within a period of 15 days which is against the provision of law, therefore, this petition be admitted for hearing and relief be granted to the petitioner.
3. Learned counsel representing for respondent No. 1, 2 & 3 opposes the petition and learned counsel appearing for respondent No. 4 submits that the society has not initiated action in accordance with the provision of Section 53(B)(i) of the Chhattisgarh Cooperative Societies Act, 1960, therefore, the petition has

been filed pre-maturily.

4. I have heard learned counsel for the parties.
5. Considered on the submissions made by the learned counsel appearing for the parties and also by going through the documents placed on record. It has been specifically mentioned in the provision of Section 53(B)(i) of the Chhattisgarh Cooperative Societies Act, 1960 that after the decision taken by the Registrar and communicated to the Society, the Society shall after affording the opportunity to the Officer concerned of being heard, pass such order as it deems fit, therefore, respondent No. 2 has initiated and made recommendation accordingly. But, it is now for the Society to take action against the petitioner and after affording him opportunity of hearing, pass orders in accordance with law. This part of the action is yet to take place. Therefore, the present petition is disposed of at the motion stage.
6. Respondent No. 4 is directed to consider the representation made by the petitioner in compliance with the provision of Section 53(B)(i) of the Chhattisgarh Cooperative Societies Act, 1960 and pass order in accordance with law.
7. With the aforesaid observation, the writ petition is disposed of.

Sd/-

(Rajendra Chandra Singh Samant)
Vacation Judge