

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	<u>31.01.2023</u>		<p>WPCRL No.181 of 2023</p> <p><u>Hon'ble Sharad Kumar Sharma, J.</u></p> <p>Mr. Anand Kumar Pandey, Advocate, for the petitioner.</p> <p>Mr. Lalit Miglani, A.G.A., for the State.</p> <p>On the basis of the directions issued by the District Assistant Registrar, Co-operative Societies Uttarakhand vide its Communication No.3142-47 dated 22.11.2020, an Enquiry Committee was constituted with regards to dealing with the aspect pertaining to the distribution of fertilizers, during the period when the petitioner was working under the extended period of his services after attaining the age of superannuation. The fact finding enquiry report has submitted a report on 30.11.2022.</p> <p>Apart from the fact that the said enquiry report is not under challenge, the petitioner has rather put a challenge to the subsequent orders dated 17.12.2022 and 19.12.2022, where the Managing Director as well as the District Assistant Registrar has simpliciter issued directions to register a FIR. Direction as issued to register the FIR, will not give a cause of action to the petitioner to put a challenge the said order by invoking Article 226 of the Constitution of India because of cause of action has yet to accrue.</p> <p>Face with the situation, learned counsel for the petitioner prays that he may be permitted to</p>

			<p>amend the writ petition in order to enable him to put a challenge to the report dated 30.11.2022.</p> <p>In fact, the liberty sought to put a challenge to the report will not be relevant at this stage for the reason being, that it was only a fact finding report which was submitted by the Committee constituted, on the basis of the orders of the District Assistant Registrar, Co-operative Societies and a fact finding enquiry report is only for the purposes of satisfaction of the authorities to test, as to whether under the given set of circumstances a FIR is at all required to be registered by him or not. In that eventuality, the prayer sought for an amendment to put a challenge to the report may not be relevant at this stage for purpose of the instant writ petition.</p> <p>Since, the writ petition being premature the same is being dismissed with a liberty left open to the petitioner to resort to an appropriate remedy as soon as the FIR is registered against him by the Competent Authority, in compliance to the impugned orders, which are under challenged before this Court.</p> <p style="text-align: right;">(Sharad Kumar Sharma, J.) Vacation Judge 31.01.2023</p> <p>Neha/Shubham</p>
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