
(1984) 09 RAJ CK 0004
In the Rajasthan High Court
Case No : C.W. No. 2446 of 1984

Automobiles Co-operative Workshop Ltd.	APPELLANT
Vs	
Sukh Singh	RESPONDENT

Date of Decision : 10-09-1984

Acts Referred:

Co-operative Societies Act, 1965 — Section 75

Citation : (1984) WLN 293

Hon'ble Judges : M.C. Jain, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

M.C. Jain, J.—Heard learned Counsel ,for the petitioner, and perused the impugned order of the Labour Court, dated July 23, 1984.

2. An objection as to jurisdiction was raised before the Labour Court on the ground that reference is not maintainable and only the Registrar, Cooperative Societies has jurisdiction in the matter u/s 75 of the Co-operative Societies Act, 1965 (hereinafter referred to as "the Act"). The learned Labour Court considered the question of jurisdiction and rejected the application of the present petitioner relying on S.B. Decision of this Court in Bhilwara Sahkari Upbhokta Wholesale Bhanddr Ltd. and Anr. v. Prescribes Authotity and Anr. 1982 WLN 478.

3. Mr. M.D. Calla, learned Counsel for the petitioner, submitted that having regard to the nature of the reference it cannot be said that the civil court has no jurisdiction. The reference has been made to the effect that whether the termination of the services of non-petitioner No. 1 Sukh Singh Geblot, was proper and legal. If so, to what relief he is entitled? Such a question, according to Mr. Calla would have been determined and decided by the civil court and so u/s 75 of the Act, the matter can be heard and decided exclusively by the Registrar.

4. I am unable to agree with the aforesaid submission of Shri Calla. On the basis of the frame of reference it cannot be said that civil court has jurisdiction. In

order to invest the Registrar the exclusive power to hear and decide, the matter should fall within the four coners of the said provision of the Act. Their Lordships of the Supreme Court have laid down in Gujarat State Co-operative Land Development Bank Ltd. Vs. P.R. Mankad and Others, that the dispute of such a nature could not be regarded as a dispute touching the business of the Co-operative society not it can be regarded to be a dispute touching the management of the society. In the S B decision of this Court, referred to above, relying on the earlier Supreme Court decisions, it has been held that the Registrar has no jurisdiction in cases where services of an employee had been terminated improperly and illegally Shri M.D. Calla, learned Counsel for the petitioner further submitted that there was Section 61 in the earlier Act analogous to Section 75 of the present Act. In Section 61 of the old Act there was an exclusion of disputes regarding disciplinary action taken by the Society or its Committee against the paid servant of the Society. That exclusion is suggestive of the fact that the dispute between the society and its oxides ant is a dispute touching the business of the society. When by repeal of the old Act, in Section 75 of the present Act specifically such an exclusion is not provided and so it should be taken that such a dispute between the society and the servant is the dispute touching the business of the society It is true that there was an exclusion in Section 61 of old Act regarding disciplinary action and there is no express exclusion under Sec 75 of the present Act, but still the question has come up for consideration before the Highest Court of this country. Analogous provision to Section 75 of the present Act was considered by the Supreme Court, the decisions of which have been referred to by the learned Single Bench, so it is riot necessary to deal with the Supreme Court decisions afresh. When those decisions have been considered by this Court in the case referred to above so the question is no more res integra. I am unable to agree with the line of argument advanced by Shri Calla, learned Counsel for the petitioner, in this case.

6. No other point survives for consideration.

7. In the result, this writ petition has no force, so it is hereby dismissed summarily.