

(2018) 02 KAR CK 0104
In the Karnataka High Court
Case No : 54391 of 2017 (CS-RES)

CHIKKAJALA MILK PRODUCERS CO-OPERATIVE SOCIETY LTD.,	APPELLANT
Vs	
STATE OF KARNATAKA,	RESPONDENT

Date of Decision : 05-02-2018

Acts Referred:

Citation : (2018) 02 KAR CK 0104

Hon'ble Judges : S.N.Satyanarayana

Bench : Single Bench

Advocate : LAXMINARAYAN, B.K.MANJUNATH, MAHESH R UPPIN

Final Decision : Disposed off

Judgement

1. Respondent Nos.2 and 3 in Revision petition No.93/2016 on the file of Karnataka Appellate Tribunal, Bengaluru have come up in this petition

impugning the judgment dated 23.8.2017 in allowing said revision petition and consequently, setting aside the order of second respondent -

Assistant Registrar of Cooperative Societies dated 23.12.2006 in proceedings No.AR.44/DIS/02/2016- 17.

2. Brief facts leading to this writ petition are as under:

First petitioner is a Milk Producers' Cooperative Society, represented by its Chief Executive Officer and second respondent is President of said

society. It is stated by the petitioners that contesting third respondent herein has committed certain acts which called for initiation of disciplinary

proceedings against him. Hence, the Chief Executive Officer of first petitioner - society passed an order on 4.11.2016 in suspending the third

respondent and also issued a show cause notice to him on the same day ie., 4.11.2016 giving him 7 days time to submit his explanation about the

allegations and accusations made against him in the said show cause notice. It is seen that said show cause notice as well as order of suspension

was challenged by third respondent by initiating proceedings before second respondent in Dispute No.AR.44/DIS/02/2016-17, wherein the

application which was filed by him seeking stay of order of suspension was rejected by order dated 23.12.2016.

3. It is stated that the order passed by second respondent in rejecting the application for stay of the order of suspension was subject matter of

Revision Petition No.93/2016 before the Karnataka Appellate Tribunal (KAT for short), Bengaluru, by third respondent herein, wherein said

revision petition is allowed by judgment dated 23.8.2017 and matter is remanded back to second respondent herein for fresh consideration on the

application filed for stay of the order of suspension. The said judgment passed by KAT in Revision Petition No.93/2016 is subject matter of this

writ petition.

4. In this proceedings serious allegations were made regarding the documents which are produced in support of writ petition. Hence, to ascertain

correctness or otherwise of the same, original record in Revision Petition No.93/2016 was secured from the Court of KAT. Thereafter, this matter

is heard. After hearing the parties for some time, this Court feel that the order of remand passed by KAT by judgment dated 23.8.2017 cannot be

interfered, inasmuch as same is against the order of rejection of application for stay passed by second respondent. In the fact situation, this Court

also feel that second respondent before whom proceedings in Dispute No.AR.44/DIS/02/2016-17 is remanded, instead of wasting his time on the

application for stay should take up the entire matter and dispose of the same on merits as early as possible.

5. Accordingly, with aforesaid observations, this writ petition is disposed of. To ensure that there is no further delay in the matter, it is hereby

ordered that the remanded mater shall be called before second respondent on 26.2.2018 and within 90 days there from, the dispute pending

before him shall be disposed of on its merits.