

(1986) 06 KAR CK 0013
In the Karnataka High Court
Case No : W.P. No. 9933 of 1984

Chikkanna R. by L.Rs.

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 17-06-1986

Acts Referred:

Karnataka Co-operative Societies Act, 1959 — Section 69

Citation : (1987) 1 KarLJ 141

Hon'ble Judges : M. P. Chandrakantharaj Urs, J

Judgement

Chandrakantharaj Urs, J.-Petitioner, since deceased, by legal representatives, has challenged the order of the Karnataka Appellate Tribunal made in appeal No. 826/82. That appeal came to be filed by the deceased petitioner who was the Secretary of the third respondent Yadavagiri Consumer's Co-operative Stores Limited, Mysore City against the order of the Deputy Registrar of Co-operative Societies made in surcharge proceedings under section 69 of the Karnataka Co-operative Societies Act.

2. The sole contention urged in this Court against the illegality of the order of the Tribunal is on the ground that the Tribunal failed to notice that the order of the Deputy Registrar under Sec. 69 of the Act was a bald order without assigning reasons for its conclusion and therefore arbitrary and opposed to Article 14 of the Constitution.

3. That contention must necessarily fail. It is seen that the Tribunal has discussed the scope of sec. 69 of the Act. In order to fix liability, he is required to do no more than invite representation on charges communicated through a show cause notice. On any representation made, he has to proceed to make an assessment on the basis of the complaint made by the society with reference to such documents that he may call for.

4. From the records produced by the learned Govt., Advocate, it is seen that a show cause notice was issued specifying the charges in detail. The deceased petitioner, in the first instance, requested for adjournment. That was granted.

There afterwards, he appeared and participated. Before anything more could be done, further time was taken by both the sides and when the matter was finally adjourned to 8-7-1982 the writ petitioner did not attend the proceedings.

5. On 8-7-1982 the representative of the society was examined and through him several documents were marked. One such document marked was Ex. P. 4 a letter written by the deceased petitioner to the President of Yadavagiri Consumer's Co-operative Stores, admitting several financial lapses and agreeing to pay the amounts.

6. It is in the light of that evidence as many as seven issues were framed in regard to seven charges and after recording reasons the Deputy Registrar fixed the liability on the petitioner directing him to pay a sum of Rs. 6655-70. The said amount was also held to be recovered with 12% per annum interest from 1-7-1976 on Rs. 2124-42 and from 1-7-1977 on Rs. 4531-23 till the final payment of the entire sum.

7. The Tribunal therefore has come to the conclusion that there was no procedural irregularity in the order of the Deputy Registrar as opportunity had been given and that opportunity had not been utilised by the deceased petitioner.

8. In that circumstance, the Registrar's order was upheld. I do not see any infirmity in the reasons of the Tribunal. The Tribunal's order does not call for interference.

9. Petition is dismissed. No costs.

Writ Petition is dismissed.