
(1993) 02 RAJ CK 0023

In the Rajasthan High Court

Case No : Civil Writ Petition No. 1780 of 1991

Dilip Singh and Others

APPELLANT

Vs

Registrar, Cooperative Societies and Others

RESPONDENT

Date of Decision : 01-02-1993

Acts Referred:

Multi-State Cooperative Societies Act, 1984 — Section 74, 76

Citation : (1993) WLN 40

Hon'ble Judges : A.K. Mathur, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

A.K. Mathur, J.—The petitioners by this writ petition have prayed that by an appropriate writ, order or direction the order (telegram) dated 5.4.1991 (Annex. 29) may be quashed and the respondents may be directed not to terminate the services of the petitioners from the Bank.

2. All these petitioners were working as employees of the Railway Shramik Sahakari Bank Ltd. Bikaner. Their services were terminated by the telegram issued by the Registrar Cooperative Societies, Jaipur. Therefore, the petitioners have challenged this by filing this joint writ petition. It is submitted that in pursuance of the award given by the Labour Court, Bikaner dated 15.1.1990 that the strength of the staff in the Bank be increased looking to the work load of the Bank. An advertisement was issued in the news-paper dated 6.2.1991 inviting applications for the posts of L.D. Cs. and Class IV servants. The last date for submission of the application forms was 15.2.1991. The total posts of L.D. Cs. and Class IV servants were 14. In pursuance of this advertisement the respondent No. 2 issued interview call-letters dated 27.2.1991 and in pursuance of the interview calls the petitioners and other persons who applied for the respective posts appeared for selection to the posts applied for. In pursuance of the selection the appointment orders were issued on 18.3.1991 and the petitioners were asked to join their duties on 26.3.1991 and they accordingly

joined their duties. Thereafter, on 5.4.1991 a telegram was issued to the Bank by the Registrar, Cooperative Societies cancelling the appointments, which has been placed on the record as Annex. 29. Therefore, the petitioners immediately rushed to this Court against this telegram by filing this joint writ petition. It is further submitted that though the termination orders have not been issued but their services are likely to be terminated in pursuance of the aforesaid telegram.

3. A return has been filed by the respondents No. 2 and 3 supporting the contention of the petitioners. Then, an application was moved by the respondents No. 2 and 3 permitting them to withdraw their earlier reply filed by Shri Sukh Dev Bhati, Former Secretary of the Rajasthan Railway Shramik Sahakari Bank Ltd., Bikaner and permitting them to file a fresh reply on behalf of the Bank. In this application it has been prayed that the reply was filed by one Sukh Dev Bhati, former Secretary of the Bank. It is further submitted that Shri Sukh Dev Bhati was never authorized by the respondent No. 3 i.e. President, Rajasthan Railway Shramik Sahakari Bank Ltd. to file this reply. It is submitted that Shri Bhati has filed this reply as Honorary Secretary and he has not disclosed as to whether he has been authorized to file this reply or not. It is submitted that Shri Sukh Dev was hand in gloves with these petitioners. It has been mentioned that the appointments of the petitioners were cancelled by the Registrar, Cooperative Societies as an interim order dated 24.11.1990 was operating against the respondent Bank for not making any appointments in the Bank. It is submitted that the Registrar, Cooperative Societies, Jaipur while admitting an application under Sections 74 and 76 of the Multi-State Cooperative Societies Act, 1984 (referred to hereinafter as "the Act of 1984") filed by one Jugal Kishore Khadgawat and three others, directed the then Secretary of the Bank not to make appointment till fresh elections of the Managing Committee of the Bank take place by the order dated 24.11.1990. The operative portion of the order reads as under:

vki cSad es uo fu;qfDr;ks lac/kh dksbZ dk;Zokgh ugh djs rFkk bl izdkj ds dksbZ uhfr fo"k;d fu.kZ; ugh ys ftlls cSd ds foRh; {ks=ks ij foijhr izHkko iM+s A

4. This fact was deliberately concealed by Shri Sukh Dev Bhati while filing the reply. It is further alleged that all the persons who were appointed on 18.3.1991 were close relatives of the Directors of the Bank. It is submitted that petitioner No. 2 Dharmendra Kumar was the real nephew of Anandraj, Director of the Bank. Petitioner No. 13 is the son of Director Shri Poonamchand and petitioner No. 6 Sanjay Kumar Patpatiya is the real brother of Director Shri Dilip Patpatiya. Similarly, petitioner No. 12 Panna Ram is the brother-in-law of Director Shri Heeralal Dagla. It is further submitted that the Job Analyst Shri Ranjit Singh Yadav also got managed to get his son appointed in the Bank. The petitioner No. 9 Devendra Kumar Yadav is the son of Shri Ranjit Singh Yadav. Therefore, it is submitted that all these facts were not deliberately brought to the notice of this Court by the Secretary as such it was prayed that the respondents may be permitted to withdraw that reply and the fresh reply filed on behalf the

respondents No. 2 and 3 may be taken on record.

5. In the fresh reply filed by the respondents they have narrated all these facts and pointed out that in fact the term of the old Board had expired and a specific direction was issued by the Registrar in exercise of the powers conferred by Sections 74 and 76 of the Act of 1984 to the Bank not to proceed with the recruitment but still the recruitments were made and these petitioners were appointed. The original record was also placed before me and it was pointed out that the original letters of interview which were supposed to be posted under certificate of posting and which were duly sealed were never despatched and they are all lying in the official record but still the petitioners have been able to manage the photostat copies of such letters and produced the same in the court. It is alleged that in fact new letters were prepared and photostat copies thereof were prepared whereas originals remained in office, though they bear the postal stamps. They were also shown to me in the Court. The fact that there was a stay order passed by the Registrar in exercise of his judicial power and secondly the term of the Managing Committee has already expired and they were not supposed to proceed with the recruitment still they proceeded with the recruitment in hot haste and make the selections in most dubious manner. This is an outstanding feature in the present case. Apart from this the another factor that the Secretary Shri Sukh Dev Bhati was not authorized to file reply still he proceeded to file a reply and supported the so-called selections creates suspicion on the bonafides of the recruitments and appointments of these petitioners. In fact, so much so the Vice Chairman of the Bank by letter dated 31.7.1990 informed the Secretary of the Bank that the Joint Registrar Banking Government of Rajasthan has imposed a ban on recruitment of the staff by the order dated 15.6.1990 and the tenure of the working committee is to expire on 2.9.1990, therefore, the recruitment should not be taken up at this stage but in utter disregard of this the selections were proceeded and in hot haste it was done so as to appoint these relations of the so-called Board of Directors. The very fact that the selection is made by playing fraud and in disregard of the judicial order passed by the competent authority and if such appointments are allowed to continue then there will be no regard left for the judicial orders and it will create a mockery.

6. Therefore, under these circumstances I think the petitioners do not deserve any sympathy of this Court, Hence, the application moved by the respondents No. 2 and 3 permitting them to withdraw the earlier reply filed by an unauthorized person i.e. so-called ex-Secretary Shri Sukh Dev Bhati is permitted and the new reply filed by the respondents No. 2 and 3 is taken on record.

7. In view of the fresh reply filed by the respondents No. 2 and 3. / am satisfied that these appointments are in utter disregard of the order passed by the Registrar in exercise of the powers conferred by Sections 74 and 76 of the Act of 1984 and all these appointments are totally unauthorized and made out of sheer extraneous considerations. Therefore, this Court is not inclined to interfere in

such totally fraudulent appointments.

8. Hence, the writ petition has no merits and the same is dismissed.