
(2020) 08 MP CK 0176

In the Madhya Pradesh High Court

Case No : Writ Appeal No. 192, 193, 194, 198, 200 Of 2020

District Co-Operative Central Bank Ltd., Jabalpur & Anr.

APPELLANT

Vs

Hari Shankar Dubey & Anr

RESPONDENT

Date of Decision : 24-08-2020

Acts Referred:

Madhya Pradesh Uchcha Nyayalaya (Khand Nyaypeeth ko Appeal) Adhiniyam, 2005 —
Section 2(1)

Citation : (2020) 08 MP CK 0176

Hon'ble Judges : Ajay Kumar Mittal, CJ;Vijay Kumar Shukla, J

Bench : Division Bench

Advocate : Kapil Duggal, Pushpendra Yadav, Prabhanshu Shukla, Paritosh Trivedi

Final Decision : Dismissed

Judgement

Vijay Kumar Shukla, J

1. Since all the writ appeals arise out of a common order passed by the learned Single Judge in bunch of writ petitions, therefore, they were heard analogously and are decided by a common judgement.

2. In W.A. No.194/2020, the learned counsel for the appellants submitted that the writ-petitioner/respondent has filed a wrong impugned order. We have verified the record and found that the impugned order, Annexure-P/1 was replaced by filing a correct copy of the order.

3. The present intra-court appeals have been preferred under Section 2(1) of the Madhya Pradesh Uchcha Nyayalaya (Khand Nyaypeeth ko Appeal) Adhiniyam, 2005, being aggrieved by the common order, dated 13-01-2020, passed by the learned Single Judge in bunch of writ petitions, whereby the writ petitions filed by the respondents have been allowed.

4. A challenge is made to the order passed by the Chief Executive Officer, Zila Sahkari Kendriya Bank Maryadit, Jabalpur [for short, "the Bank"] regarding

issuance of charge-sheet against the writ-petitioners/respondents, mainly on the ground of competence. It is argued that the order passed by the Chief Executive Officer is without jurisdiction. The respondents are the employees of the Bank, which is a society registered under the Madhya Pradesh Co-operative Societies Act, 1960. It is strenuously urged that the Chief Executive Officer is implementing the decision taken by the Staff Sub-Committee of the Bank on 13-8-2018 and placing the respondents under suspension.

5. It is contended that the Board of Directors of the appellant-Bank has already been superseded on 20-6-2017, due to expiry of its term. It is put-forth that since the Staff Sub-Committee duly constituted by the Bank, works under the Board of Directors, therefore, in absence of any Board of Directors, no decision can be taken by the Staff Sub-Committee and the decision taken by them, as referred in the order of the Chief Executive Officer, is also misconceived and illegal. Further, the Chief Executive Officer of the Bank has no jurisdiction and competence to implement such decision and place the writ-petitioners/respondents under suspension.

6. The learned Single Judge after referring to the order passed by this Court in W.P. No.6914/2015 [Raghwan Choubey vs. State of M.P. and others], dated 02-12-2016, held that appointment of Administrator is an ad hoc arrangement and he acts as an Officer-in-Charge, therefore, he has no right to take any disciplinary action against the employees of the Bank. The writ petitions have been allowed by the learned Single Judge on the ground of competence holding the impugned order therein to be without jurisdiction.

7. The learned counsel for the appellants submitted that the Chief Executive Officer is the competent authority and the order was passed by the officer, namely, Pankaj Gupta, who was officiating on the said post.

8. The said fact has been disputed by the learned counsel appearing for the writ-petitioners/respondents on the ground that the said officer was holding the substantive post of Branch Manager which was not equivalent to the post of Chief Executive Officer.

9. On going through the reply and the material placed on record, we find that the learned counsel for the appellants could not substantiate the submission that the Chief Executive Officer has acted on the recommendations of the Staff Sub-Committee and he was a competent authority for issuance of the impugned order.

10. We have heard the learned counsel appearing for the parties and bestowed our anxious consideration on the arguments advanced. We do not perceive any illegality in the impugned order passed by the learned Single Judge, warranting any interference in these intra-court appeals.

11. Accordingly, the writ appeals, being sans merit, are hereby dismissed. However, liberty is granted to the appellants to take action in the matter in accordance with law, if so advised. There shall be no order as to costs.