
(2011) 09 MP CK 0070
In the Madhya Pradesh High Court
Case No : W.A. No. 342 of 2010

District Cooperative Central Bank Ltd. Satna and Others	APPELLANT
Vs	
Sunderlal and Another	RESPONDENT

Date of Decision : 05-09-2011

Acts Referred:

Citation : (2011) ILR (MP) 2324

Hon'ble Judges : Sushil Harkauli, Acting C.J.; Keshav Kumar Trivedi, J

Bench : Division Bench

Final Decision : Allowed

Judgement

Sushil Harkauli, Ag.C.J.

1. We have heard both the sides.
2. The service of the respondent No. 1 of this appeal was terminated by the appellant bank after a departmental enquiry. The employee went before the Asstt. Registrar who directed reinstatement of the employee without any back wages. The bank preferred an appeal before the Joint Registrar. The employee did not prefer any appeal or cross objection before the Joint Registrar against the denial of back wages. Therefore, the denial of back wages became final.
3. In the appeal of the bank, the Joint Registrar maintained the reinstatement order of the Asstt. Registrar, but made it conditional upon payment by the employee of the amount of Rs. 94,846/- which was alleged to be the loss caused to the bank on account of the alleged misconduct of the employee. The employee preferred an appeal before the Cooperative Tribunal. The Tribunal quashed both the orders of the Joint Registrar as well as the Asstt. Registrar although the bank had not preferred any appeal before the Tribunal.
4. When the employee did not challenge denial of back wages by filing appeal before the Joint Registrar, that chapter was closed and the only question which could legally survive before the Joint Registrar was regarding reinstatement

against which the bank was aggrieved and preferred an appeal before the Joint Registrar. In the appeal before it the Cooperative Tribunal also therefore had to be confined the question of reinstatement and the terms of reinstatement, and could not expand the scope of the appeal by going into other questions.

5. Against the order of the Cooperative Tribunal, the employee alone preferred writ petition before the learned Single Judge and therefore the jurisdiction of the learned Single Judge again was confined to examining whether reinstatement was or was not permissible, and the correctness of the terms (deposit/recovery of loss) subject to which reinstatement had been upheld by the Joint-Registrar. Granting of back wages was beyond the jurisdiction and in any case the grant of back wages from the date of the order of the Tribunal does not appear to be justified by any reason given by the learned Single Judge. Even on the question of reinstatement and its terms, we do not find any cogent reason as to why reinstatement should or should not be ordered, and whether it should be made subject to the deposit/recovery.

6. We, therefore, set aside the order of the learned Single Judge dated 10.2.2010 passed in W.R No.401/2001 and remand the matter to the learned Single Judge to examine, with reasons, the only two questions which remain open. The decision will be taken by the learned Single Judge expeditiously having regard to the time which has already lapsed.

The writ appeal is accordingly allowed.