
(2002) 03 JH CK 0073

In the Jharkhand High Court

Case No : Writ Petition (C) No. 3461 of 2001

Kedar Singh

APPELLANT

Vs

Steel Authority of India and Others

RESPONDENT

Date of Decision : 15-03-2002

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2002) 03 JH CK 0073

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Advocate : A. Sahay and Kailash Pd. Deo, for the Appellant; Rajeev Ranjan, Addl. A.G., M.M. Banerjee, A. Sen and B.S. Lall, for the Respondent

Final Decision : Dismissed

Judgement

M.Y. Eqbal, J.—In this writ application the petitioner has prayed for quashing the order dated 5.7.2001 passed by Joint Registrar in Award Appeal No. 1 of 2001 affirming the order dated 30.11.2000 passed by Assistant Registrar in Case No. 5 of 2000, whereby dismissal of the petitioner from the primary membership of Bokaro Steel Employees (Operation Mill Zone) Co-operative Credit Society Ltd. has been held legal and valid.

2. Petitioner was elected member of Cooperative Credit Society Limited for the period 1999-2002 and he was also elected in the Executive Body of the Society. It is alleged by the petitioner that he raised serious objection regarding malfunctioning and gross misuse of fund by the nominated members of the Society and on such objection, inquiry was made by the Joint Registrar and certain irregularities were found. Because of the objection raised by the petitioner the Chairman alongwith Secretary hatched a conspiracy and a petition was filed by the Secretary before the Chairman alleging that petitioner has misbehaved and abused him. An emergent meeting was called by the Chairman and the Chairman was authorised to enquire into the matter and take a decision. It is contended by the petitioner that in utter violation of rules of natural justice,

the Chairman after inquiry dismissed the petitioner from primary membership of the Society. Petitioner challenged the said order of dismissal before the Joint Registrar, Co-operative Society and the matter was finally heard by the Assistant Registrar who confirmed the dismissal of the petitioner vide order dated 30.12.2000. Petitioner then preferred an appeal which was also dismissed by the Registrar Co- operative Society. Respondent Nos. 7 to 10 filed their counter-affidavit stating inter alia that petitioner was in the habit of raising frivolous allegations against the office bearers of the Co-operative Society and consequently the respondents had to take extreme measure of expulsion of the petitioner from the primary membership of the Society. Accordingly, an emergent meeting was called by the Chairman of the Bokaro Steel Employees Co-operative Credit Society Ltd. on the basis of complaint made by the Secretary of the Society due to misbehaviour and misconduct of the petitioner. The matter was discussed in the meeting and notice to that effect was served by the Secretary but the petitioner and other three committee members refused to accept the notice. The Chairman conducted the inquiry in presence of the petitioner but he did not co-operate and participate in the proceeding. The decision of cancellation of primary membership of the petitioner from the society was finally approved by the Committee of management of the Society. It is further stated in the counter-affidavit that against the Chairman's decision of cancellation of membership of the petitioner, the petitioner filed a case in the Court of Assistant Registrar being Case No. 5/2000 which was rejected and then he preferred appeal which was also dismissed by the Registrar.

3. Mr. A. Sahay, learned counsel appearing for the petitioner assailed the decision of the Chairman removing the petitioner from primary membership as being illegal and contrary to Bye-laws of the Society. Learned counsel referred Article 9 of the Bye-laws and submitted that any decision of the Committee regarding removal of the petitioner/member from the primary membership of the society has to be approved in General Body Meeting. Since the decision of the Chairman was not approved by the Committee, the order cannot be given effect to.

4. From perusal of the writ application it appears that in paragraph 21 petitioner has stated that the order of dismissal passed by the Chairman has not been approved or passed in the Executive Committee Meeting prior to serving it upon the petitioner, rather paper was fabricated showing the meeting dated 6.12.2000 and in the said meeting the dismissal order was approved by the Committee. The Assistant Registrar in the impugned order has considered this aspect of the matter and came to a finding that the decision of the Chairman was finally approved by the Executive Committee, The Registrar, in the appeal filed by the petitioner has also gone into this question and recorded a definite finding that the inquiry report and the order of removal of the petitioner by the Chairman was placed in the meeting of the Executive Committee held on 6.12.2000 and the order was approved by the Committee.

5. In view of the finding recorded by two authorities in the proceeding under the

Act, I am of the opinion that this Court is not supposed to reappraise the entire facts and evidence and record different finding to that effect. In view of the fact that the order of removal of the petitioner from the primary membership passed by the Chairman was upheld by the Assistant Registrar and the Joint Registrar, Co-operative Society. I do not find any reason to interfere with the said order.

6. For the reasons aforesaid, there is no merit in this writ application and the same is dismissed.