
(1971) 01 OHC CK 0009
In the Orissa High Court
Case No : O.J.C. No. 663 of 1968

Nilamani Lenka

APPELLANT

Vs

Registrar, Co-operative Societies and Others

RESPONDENT

Date of Decision : 12-01-1971

Acts Referred:

Citation : AIR 1971 Ori 254

Hon'ble Judges : G.K. Misra, C.J.;A. Misra, J

Bench : Division Bench

Advocate : K.C. Lenka, for the Appellant; K.C. Mohanty and Govt. Advocate, for the Respondent

Final Decision : Dismissed

Judgement

G.K. Misra, C.J.—The only contention advanced before us is that the Registrar has no power of revision against an order passed in appeal by the Deputy Registrar against an award passed by the Assistant Registrar. Facts relevant to this point may only be stated. The Assistant Registrar passed an award. The Deputy Registrar in appeal exonerated the petitioner from liability. A revision against the order of the Deputy Registrar is pending before the Registrar. This petition has been filed asking for a writ to restrain the Registrar (opp. party No. 1) from hearing the revision application on the ground that he has no jurisdiction.

2. The revisional power is conferred on the Registrar by Section 112 (1) of the Orissa Co-operative Societies Act, 1962 (hereinafter to be referred to as the Act). It runs thus :--

"112 (1) The Registrar may, of his own motion or on application by any person, considering himself aggrieved and after giving the parties concerned a reasonable opportunity of being heard, call for and examine the record of any proceedings before any authority subordinate to him in which no appeal lies, for the purpose of satisfying himself as to the legality or propriety of any decision made or order passed and may pass such order thereon as he deems fit."

On a plain reading of the sub-section, it is clear that the Registrar has power to examine the record of any proceeding before any authority subordinate to him in which no appeal lies. Admittedly, no second appeal lies in this case. The short question for consideration is whether the Deputy Registrar is an authority subordinate to the Registrar, so that the power of revision can be exercised.

3. By Section 3 (2), the State Government, may, by general or special Order, confer on any person appointed to assist the Registrar, all or any of the powers of the Registrar under this Act to be exercised within such local limits as may be assigned by the Registrar. There is no dispute that the Deputy Registrar has been conferred upon the power by the State Government to hear appeals against awards passed by the Assistant Registrar which may be assigned by the Registrar to him. Section 109 (2) (b) makes the position clear that where the Deputy Registrar decides a case as an original authority, the appeal can be heard by the Registrar. It gives an indication that the Deputy Registrar is an authority subordinate to the Registrar.

4. Taking all these sections together, it seems quite clear that the Deputy Registrar is an authority subordinate to the Registrar and a revision lies to the Registrar even against an order passed by the Deputy Registrar in exercise of his appellate power conferred on him by the State Government.

5. We find no merit in this application which is accordingly dismissed with costs. Hearing fee is Rupees 100/- (one hundred).

A. Misra, J.

6. I agree.