

(1994) 07 AHC CK 0017
In the Allahabad High Court
Case No : C.M.W.P. No. 2178 of 1994

Ram Swaroop Srivastava

APPELLANT

Vs

District Administrative Committee Co-operative Societies and
Others

RESPONDENT

Date of Decision : 13-07-1994

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1996) AWC 33 Supp : (1994) 3 UPLBEC 1723

Hon'ble Judges : D.S. Sinha, J

Bench : Single Bench

Advocate : R.N. Roy, for the Appellant;

Final Decision : Dismissed

Judgement

D.S. Sinha, J.—Heard Sri R. N. Roy, learned Counsel for the Petitioner and Sri K. N. Misra, learned Counsel appearing for the Respondents No. 1 and 3 at length and in detail.

2. The Petitioner, who is a Co-operative Supervisor working under the control of the Respondents, seeks to challenge the order dated 29th June, 1994, a copy whereof is annexure "1" to the petition, passed by the Chairman, District Committee and District Assistant Registrar, Co-operative Societies, Jalaun at Oral, whereby he has been placed under suspension pending inquiry. The learned Counsel for the Petitioner contends that the order of suspension is illegal inasmuch as it has been passed by a person not authorised to do so.

3. It is not disputed that the Petitioner is subject to and governed by the provisions of the U.P. Co-operative Federal Authority (Business) Regulations, 1976, hereinafter called the Regulations.

4. Regulation 67 of the Regulations provides that a staff member against whose conduct an inquiry is contemplated or is proceeding may be placed under suspension pending conclusion of the inquiry in the discretion of the appointing

authority or the Chairman of the District Committee. The composition of the District Committee is provided for in Regulation 10 of that Regulations. It provides that there shall be a District Committee at the district level for the effective administrative control of the Co-operative Supervisors and Kamdars which shall consist of, inter alia. District Assistant Registrar, Co-operative Societies as its Chairman.

5. From the perusal of the impugned order of suspension, it is apparent that the order of suspension has been passed pending inquiry against the Petitioner and the authority passing the suspension order is the Chairman, District Committee and the District Assistant Registrar, Co-operative Societies. Uttar Pradesh, Jalaun at Oral. Thus the contention of the learned Counsel that the impugned order of suspension has been passed by an authority who is not empowered in law to do so, has no legs to stand and must be rejected.

6. For the foregoing reasons, the court is clearly of the opinion that the impugned order of suspension is perfect and does not suffer from any such vice which may justify interference by this Court in exercise of its special and extraordinary Jurisdiction under Article 226 of the Constitution of India.

In the result, the petition fails and is hereby dismissed in limine.