

(1988) 07 KAR CK 0031
In the Karnataka High Court
Case No : W.P. No. 9839/1988

Ramu Dada Panade

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 04-07-1988

Acts Referred:

Karnataka Co-operative Societies Act, 1959 — Section 64(1)

Citation : (1989) 1 KarLJ 143

Hon'ble Judges : M. P. Chandrakantaraj Urs, J

Judgement

Chandrakantaraj Urs, J.-Petitioner is the Chairman of the 5th respondent-The Raibag Sahakari Sakkare Karkhane Niyamitha. He is aggrieved by the order passed as at Annexure-D, dated 31-5-1988. The said order is passed in purported exercise of the power of the Registrar under Section 64(1) of the Karnataka Co-operative Societies Act, 1959. By the said order, one S.R. Naik, Joint Registrar of Co-operative Societies, Belgaum division, Belgaum, has been directed to hold a statutory inquiry into the affairs of the Raibag Sahakari Sakkare Karkhane Limited in general and particularly on the following terms of reference:

"(1) Thirty charges and five irregularities noticed and served on the Board of Management vide this office show Cause Notice No. DSK/38/87-88, dt. 21-7-1987;

2) Constitution working and financial condition of the factory;

3) Any other points/omission."

There is a further direction that the Report should be completed within four weeks from the date of the order, fixing definite responsibility on the persons concerned and submit the report of enquiry.

2. Since the order of suspension was passed. 4 months have elapsed. This court does not know whether the enquiry now directed has been completed. One of the grounds urged for quashing the order is that it is motivated and for political

reasons. There is no specific allegation of mala fides as such against any particular person who may be able to meet such allegation of mala fides. This court has consistently held that vague allegations of mala fides will not be examined or enquired into by this Court.

3. The earlier proceedings initiated under Section 30 of the Act on specific charges came to be withdrawn while a petition challenging the same was pending in this Court. That cannot be considered an inhibition for the Registrar to exercise his powers under Section 64(1) to cause an enquiry to be made nor is there any statutory bar for such an action. There is no such principle as the rule of resjudicata in these administrative matters. If the Registrar has to satisfy himself as to the correctness of the charges other than on the basis of a mere notice and representation, it is open to him to direct an enquiry in respect of the very same charges also.

4. In that view of the matter, this Court cannot find fault with the order now issued which appears to have spent itself out. It will be open to the Chairman or any one else aggrieved to question the action that may follow the report of the enquiry under Annexure-D, till then, this Court has no reason to interfere with Annexure-D.

Petition is rejected.