
(2013) 11 RAJ CK 0120
In the Rajasthan High Court
Case No : Civil Writ Petition No. 4065 of 2013

Vikaram Singh Bhati

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 26-11-2013

Acts Referred:

Citation : (2013) 11 RAJ CK 0120

Hon'ble Judges : Vijay Bishnoi, J

Bench : Single Bench

Advocate : N.K. Rastogi, for the Appellant;

Final Decision : Disposed Off

Judgement

Vijay Bishnoi, J.—The defects pointed by the Registry have been removed by learned counsel for the petitioner in the Court itself. Learned counsel for the petitioner states that similar writ petitions involving identical controversy i.e. S.B.C.W.P. Nos. 6566/2013, 4983/2013 and 6618/2013 have already been decided by this Court on 30.5.2013, 4.10.2013 and 29.5.2013 respectively.

2. This writ petition is directed against the order dated 30.07.2012 passed by the Assistant Registrar, Cooperative Societies, Churu, whereby in exercise of power conferred by Section 125(1) of the Rajasthan Cooperative Societies Act, 2001 (for short "the Act") the implementation of a resolution adopted by the Board of Directors of the Gram Sewa Sahakari Samiti Limited, Kaman Tehsil Rajgarh, District Churu (for short "the Society"), revising the pay scale admissible to the post of Manager and directing fixation of pay accordingly, has been stayed and the recommendations have been made to rescind the resolution.

3. Learned counsel for the petitioner contended that the Assistant Registrar, Cooperative had no jurisdiction to pass the impugned order exercising powers u/s 125 of the Act. It is submitted that by virtue of provisions of Section 30B of the Act, which provides that the Credit Cooperative Society shall have fully autonomy in all its financial internal administrative matters pertaining to the staffing

recruitment, posting and compensation to staff and therefore, no order, which has an effect of curtailing the freedom of the Society could have been passed by the Assistant Registrar.

4. A bare perusal of the order impugned reveals that the Assistant Registrar, Cooperative Societies, in exercise of the power conferred by the sub-section (1) of Section 125 of the Act has only stayed the execution of the resolution adopted as aforesaid as interim measure and recommended for rescinding the resolution. The order impugned has been passed by the Assistant Registrar as aforesaid inasmuch as the resolution adopted by the Society was found to be violative of the provisions of Agriculture Credit Cooperative Societies Service Conditions, 2008. Indisputably, in terms of Section 125(2) of the Act, the Assistant Registrar is under an obligation to send the proposal of rescinding the resolution to the tribunal for consideration within a period of 45 days. Therefore, it is always open for the petitioner to appear before the tribunal and make its submission.

5. After going through the orders passed in S.B.C.W.P. Nos. 6566/2013, 4983/2013 and 6618/2013, this Court is satisfied that the controversy involved in this writ petition is identical to the aforesaid writ petitions.

6. In this view of the matter, no case for interference by this Court in exercise of its extra ordinary jurisdiction under Article 226 of the Constitution of India is made out. Therefore, this writ petition is disposed of with the directions to the Assistant Registrar, Cooperative Societies, Churu to send the proposal for rescinding the resolution adopted by the Board of Redirectors of the respondent-Samiti for consideration to the Tribunal forthwith, if not already sent. The Tribunal is directed to pass an appropriate order after giving an opportunity of hearing to the Society and the persons affected, expeditiously, in accordance with law.