



2025:CGHC:12469

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HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3346 of 2020**

1 - Pankaj Kumar Tiwari S/o Shri Mahendra Kumar Tiwari Aged About 36 Years R/o House No. M/545, Vikas Nagar , Kusmunda, District Korba Chhattisgarh.

--- Petitioner(s)**versus**

1 - State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Ministry, Mahanadi Bhawan, Naya Raipur , Po And Police Station Rakhi District Raipur Chhattisgarh.

2 - Registrar Cooperative Societies , Indrawati Bhawan, Naya Raipur , District Raipur Chhattisgarh.

3 - Joint Registrar Cooperative Societies Bilaspur , District Bilaspur Chhattisgarh

4 - Commissioner (Revenue) Bilaspur Division Bilaspur , District Bilaspur Chhattisgarh.

5 - Chief Executive Officer Zila Sahakari Kendriya Bank Maryadit, Bilaspur , Nehru Chowk , Bilaspur , District Bilaspur Chhattisgarh.

6 - Chairman/ Board Of Directors Zila Sahakari Kendriya Bank Maryadit , Bilaspur , Nehru Chowk , Bilaspur, District Bilaspur Chhattisgarh.

7 - Collector Cum Authorized Officer Zila Sahakari Kendriya Bank Maryadit , Bilaspur , Nehru Chowk, Bilaspur, District Bilaspur Chhattisgarh.

--- Respondent(s)**WPS No. 3380 of 2020**

1 - Mohammad Imran Khan S/o Shri Mohammad Usman Khan Aged About 38 Years R/o Near Madarsa Hussain, Vikas Nagar, Kusmunda, District Korba, Chhattisgarh.

---Petitioner(s)**Versus**

1 - State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Ministry, Mahanadi Bhawan, Naya Raipur, Post Office And Police Station Rakhi, District Raipur, Chhattisgarh.



2 - Registrar Cooperative Societies, Indrawati Bhawan, Naya Raipur, District Raipur, Chhattisgarh.

3 - Joint Registrar Cooperative Societies Bilaspur, District Bilaspur, Chhattisgarh.,

4 - Commissioner (Revenue) Bilaspur Division Bilaspur, District Bilaspur, Chhattisgarh.

5 - Chief Executive Officer Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur, Chhattisgarh.

6 - Chairman/ Board Of Directors Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur, Chhattisgarh.

7 - Collector-Cum-Authorized Officer Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur, Chhattisgarh.

-- Respondent(s)

WPS No. 3771 of 2020

1 - Sheikh Jalaluddin S/o Sheikh Samsuddin Aged About 30 Years R/o H.No. 12/921, Maudhpara Raipur Tehsil And District Raipur Chhattisgarh.

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Ministry, Mahanadi Bhawan, Naya Raipur, P.O. And P.S. Rakhi, District Raipur Chhattisgarh.

2 - Registrar Cooperative Societies, Indrawati Bhawan, Naya Raipur, District Raipur Chhattisgarh.

3 - Joint Registrar Cooperative Societies Bilaspur, District Bilaspur Chhattisgarh.

4 - Commissioner (Revenue) Bilaspur Division Bilaspur District Bilaspur Chhattisgarh.

5 - Chief Executive Officer Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur Chhattisgarh.

6 - Chairman / Board Of Directors Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur Chhattisgarh.

7 - Collector Cum Authorized Officer Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur Chhattisgarh.

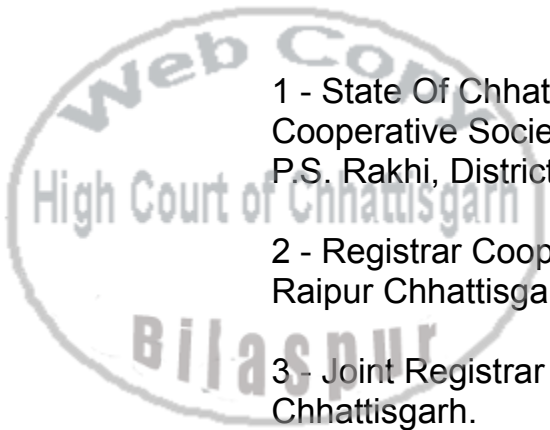
--- Respondent(s)

WPS No. 4309 of 2020

1 - Sunil Kumar Sahu S/o Santram Sahu Aged About 31 Years R/o- Q.No. Te-08, Cseb Colony, Budhwari Bazaar, Korba East District Korba, Chhattisgarh

---Petitioner(s)

Versus





1 - State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Ministry Mahanadi Bhawan, Naya Raipur, Po And P.S. Rakhi, District Raipur, Chhattisgarh

2 - Registrar Cooperative Societies, Indrawati Bhawan, Naya Raipur, District Raipur, Chhattisgarh

3 - Joint Registrar Cooperative Societies Bilaspur, District Bilaspur, Chhattisgarh

4 - Commissioner (Revenue) Bilaspur Division Bilaspur, District Bilaspur, Chhattisgarh

5 - Chief Executive Officer Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur, Chhattisgarh

6 - Chairman/ Board Of Directors Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur, Chhattisgarh

7 - Collector- Cum- Authorized Officer Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur, Chhattisgarh

--- Respondent(s)

WPS No. 4641 of 2020

1 - Jay Prakash Dewangan S/o Late Bisheshwar Lal Dewangan Aged About 33 Years R/o Gram - Kera, Tehsil- Navagarh, District Janjgir Chmpa (Chhattisgarh)

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Ministry, Mahanadi Bhawan, Naya Raipur, P.O. And P.S. Rakhi, District Raipur (Chhattisgarh)

2 - Registrar Cooperative Societies, Indrawati Bhawan, Naya Raipur, District Raipur (Chhattisgarh)

3 - Joint Registrar Cooperative Societies Bilaspur, District Bilaspur (Chhattisgarh)

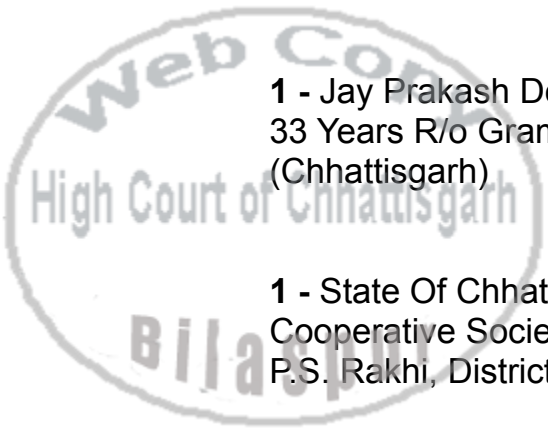
4 - Commissioner (Revenue) Bilaspur Division Bilaspur, District Bilaspur (Chhattisgarh)

5 - Chief Executive Officer Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur (Chhattisgarh)

6 - Chairman / Board Of Directors Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur (Chhattisgarh).

7 - Collector -Cum-Authorized Officer, Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur (Chhattisgarh).

--- Respondent(s)



**WPS No. 4962 of 2020**

1 - Topesh Vastrakar S/o Baran Lal Vastrakar Aged About 29 Years R/o Gram Chakarkund, Chorbhattikala , Post Office Ganiyari, District Bilaspur Chhattisgarh.

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Ministry, Mahanadi Bhawan, Naya Raipur , Po And Police Station Rakhi, District Raipur Chhattisgarh.

2 - Registrar Cooperative Societies, Indrawati Bhawan, Naya Raipur , District Raipur Chhattisgarh.

3 - Joint Registrar Cooperative Societies Bilaspur , District Bilaspur Chhattisgarh.

4 - Commissioner (Revenue) Bilaspur Division Bilaspur , District Bilaspur Chhattisgarh.

5 - Chief Executive Officer Zila Sahakari Kendriya Bank Maryadit Bilaspur Nehru Chowk , Bilaspur District Bilaspur Chhattisgarh.

6 - Chairman / Board Of Directors Zila Sahakari Kendriya Bank Maryadit Bilaspur , Nehru Chowk, Bilaspur District Bilaspur Chhattisgarh.

7 - Collector Cum Authorized Officer Zila Sahakari Kendriya Bank Maryadit , Bilaspur, Nehru Chowk , Bilaspur , District Bilaspur Chhattisgarh.

--- **Respondent(s)**

WPS No. 4963 of 2020

1 - Chanchal Kumar Dubey S/o Shri Rajendra Dubey Aged About 37 Years R/o 91/10, Nehru Nagar (East) District Durg Chhattisgarh.

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies , Ministry, Mahanadi Bhawan, Naya Raipur , Po And Police Station Rakhi, District Raipur Chhattisgarh.

2 - Registrar Cooperative Societies, Indrawati Bhawan, Naya Raipur , District Raipur Chhattisgarh.

3 - Joint Registrar Cooperative Societies Bilaspur, District Bilaspur Chhattisgarh.

4 - Commissioner (Revenue) Bilaspur Division Bilaspur , District Bilaspur Chhattisgarh.

5 - Chief Executive Officer Zila Sahakari Kendriya Bank Maryadit Bilaspur Nehru Chowk , Bilaspur District Bilaspur Chhattisgarh.

6 - Chairman / Board Of Directors Zila Sahakari Kendriya Bank Maryadit Bilaspur , Nehru Chowk, Bilaspur District Bilaspur Chhattisgarh.





7 - Collector Cum Authorized Officer Zila Sahakari Kendriya Bank Maryadit Bilaspur , Nehru Chowk, Bilaspur District Bilaspur Chhattisgarh.

--- Respondent(s)

WPS No. 4978 of 2020

1 - Turendra Sahu S/o Shyam Lal Sahu Aged About 29 Years R/o Gram Kera, Tehsil- Navagarh Post, Bade Seepat, Malkharoda District Janjgir-Champa, Chhattisgarh

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Ministry, Mahanadi Bhawan, Naya Raipur, Po And P.S. Rakhi, District- Raipur, Chhattisgarh

2 - Registrar Cooperative Societies, Indrawati Bhawan, Naya Raipur, District Raipur, Chhattisgarh

3 - Joint Registrar Cooperative Societies Bilaspur, District Bilaspur, Chhattisgarh

4 - Commissioner (Revenue) Bilaspur Division Bilaspur, District- Bilaspur, Chhattisgarh

5 - Chief Executive Officer Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District- Bilaspur, Chhattisgarh

6 - Chairman/board Of Directors Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur, Chhattisgarh

7 - Collector-Cum-Authorized Officer Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur, Chhattisgarh

--- Respondent(s)

WPS No. 4797 of 2020

1 - Seema Dewangan S/o Kaleshwar Prasad Dewangan, Aged About 31 Years R/o Hari Niwas, Behind B.S.N.L. Telephone Exchange, B T I Chowk, Janjgir District Janjgir Champa Chhattisgarh.

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Ministry, Mahanadi Bhawan, Naya Raipur, P O And P.S. Rakhi, District Raipur Chhattisgarh

2 - Registrar, Cooperative Societies, Indrawati Bhawan, Naya Raipur, District Raipur Chhattisgarh

3 - Joint Registrar, Cooperative Societies Bilaspur, District Bilaspur Chhattisgarh

4 - Commissioner (Revenue), Bilaspur Division Bilaspur, District Bilaspur Chhattisgarh.



5 - Chief Executive Officer, Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur Chhattisgarh.

6 - Chairman/ Board Of Directors, Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur Chhattisgarh

7 - Collector-Cum-Authorized Officer Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur Chhattisgarh.

--- Respondent(s)

WPS No. 4979 of 2020

1 - Lalit Kumar Rathore S/o Shri Ramnarayan Rathore Aged About 36 Years R/o - Nandorkala Tehsil - Sakti, District Janjgir Champa Chhattisgarh..

---Petitioner(s)

Versus

1 - State Of Chhattisgarh, Through The Secretary, Department Of Cooperative Societies, Ministry, Mahanadi Bhawan, Naya Raipur, Post Office And Police Station Rakhi, District Raipur Chhattisgarh.

2 - Registrar, Cooperative Societies, Indrawati Bhawan, Naya Raipur, District Raipur Chhattisgarh.

3 - Joint Registrar, Cooperative Societies Bilaspur, District Bilaspur Chhattisgarh.

4 - Commissioner (Revenue), Bilaspur Division Bilaspur, District Bilaspur Chhattisgarh.

5 - Chief Executive Officer, Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur Chhattisgarh

6 - Chairman / Board Of Directors, Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur Chhattisgarh.

7 - Collector - Cum - Authorized Officer, Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur Chhattisgarh.

--- Respondent(s)

WPS No. 482 of 2021

1 - Chandrashekhar Kurrey S/o Shree Ganesh Ram Kurrey Aged About 31 Years R/o Q. No. Te-318, Indra Chowk, Pathripada, Korba, District- Korba (C.G.).

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through Secretary, Department Of Cooperative Societies, Ministry, Mahanadi Bhawan, Naya Raipur, Po And P.S. Rakhi, District- Raipur (C.G.)

2 - Registrar Cooperative Societies, Indrawati Bhawan, Naya Raipur, District- Raipur (C.G.)

3 - Joint Registrar Cooperative Societies Bilaspur, District- Bilaspur (C.G.),



4 - Commissioner (Revenue) Bilaspur Division Bilaspur, District- Bilaspur (C.G.)

5 - Chief Executive Officer Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District- Bilaspur (C.G.).

6 - Chairman/board Of Directors Zila Sahakari Kendriya Bank Maryadit, Nehru Chowk, Bilaspur, District- Bilaspur (C.G.)

7 - Collector-Cum-Authorized Officer Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District- Bilaspur (C.G.),
--- Respondent(s)

WPS No. 502 of 2021

1 - Lekha Kashyap D/o Shree Radheshyam Kashyap Aged About 31 Years R/o Purani Basti, Ramayan Chowk, Tilda, Newra, District Raipur Chhattisgarh

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Mahanadi Bhawan, Mantralaya, Atal Nagar, P. O. And P. S. Rakhi, Nawa Raipur District Raipur Chhattisgarh

2 - Registrar Cooperative Societies, Indrawati Bhawan, Nawa Raipur District Raipur Chhattisgarh

3 - Joint Registrar Cooperative Societies, Bilaspur, District – Bilaspur (C.G.)

4 - Commissioner (Revenue) Bilaspur Division Bilaspur District Bilaspur Chhattisgarh

5 - Chief Executive Officer Zila Sahakari Kendriya Bank Maryadit, Bilaspur Nehru Chowk Bilaspur District Bilaspur Chhattisgarh

6 - Chairman /board Of Directors Zila Sahakari Kendriya Bank Maryadit, Bilaspur Nehru Chowk Bilaspur District Bilaspur Chhattisgarh

7 - Collector -Cum-Authorized Officer Zila Sahakari Kendriya Bank Maryadit, Bilaspur Nehru Chowk Bilaspur District Bilaspur Chhattisgarh

--- Respondent(s)

WPS No. 608 of 2021

1 - Bhupesh Rathore S/o Fatte Lal Rathore Aged About 39 Years R/o Quater No. Se-368 Cseb Colony, Korba East, District Korba Chhattisgarh

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Ministry Mahanadi Bhawan, Naya Raipur, P.O. And P.S. Rakhi, District Raipur Chhattisgarh.

2 - Registrar Cooperative Societies, Indrawati Bhawan, Naya Raipur, District Raipur Chhattisgarh



3 - Joint Registrar Cooperative Societies Bilaspur District Bilaspur Chhattisgarh.

4 - Commissioner (Revenue) Bilaspur Division Bilaspur District Bilaspur Chhattisgarh.

5 - Chief Executive Officer Zila Sahakari Kendriya Bank Maryadit, Bilaspur Nehru Chowk, Bilaspur, District Bilaspur Chhattisgarh.

6 - Chairman / Board Of Directors, Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur Chhattisgarh.

7 - Collector Cum Authorized Officer Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur District Bilaspur Chhattisgarh.

--- Respondent(s)

WPS No. 763 of 2021

1 - Amit Patel S/o Virendra Kumar Patel Aged About 34 Years R/o- Noudha Chowk, Shakti District- Janjgir-Champa, Chhattisgarh

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Ministry, Mahanadi Bhawan, Naya Raipur, Po And P.S. Rakhi, District Raipur, Chhattisgarh

2 - Registrar Cooperative Societies, Indrawati Bhawan, Naya Raipur, District Raipur, Chhattisgarh

3 - Joint Registrar Cooperative Societies Bilaspur, District Bilaspur, Chhattisgarh

4 - Commissioner (Revenue) Bilaspur Division Bilaspur, District Bilaspur, Chhattisgarh

5 - Chief Executive Officer Zila Sahakari Kendriya Bank Maryadit Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur, Chhattisgarh

6 - Chairman / Board Of Directors Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur, Chhattisgarh

7 - Collector-Cum-Authorized Officer Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur, Chhattisgarh

--- Respondent(s)

WPS No. 773 of 2021

1 - Naresh Kumar Singh S/o Shri Vishnu Singh Charan, Aged About 31 Years R/o Gandhi Nagar, Ratanpur, District Bilaspur (Chhattisgarh)

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Ministry, Mahanadi Bhawan, Naya Raipur, Po And Ps Rakhi, District Raipur Chhattisgarh



2 - Registrar, Cooperative Societies, Indrawati Bhawan, Naya Raipur, District Raipur Chhattisgarh.

3 - Joint Registrar, Cooperative Societies Bilaspur, District Bilaspur Chhattisgarh.

4 - Commissioner (Revenue), Bilaspur Division Bilaspur, District Bilaspur Chhattisgarh.

5 - Chief Executive Officer, Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur Chhattisgarh.

6 - Chairman/ Board Of Directors, Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur Chhattisgarh.

7 - Collector-Cum-Authorized Officer, Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur Chhattisgarh.

--- Respondent(s)

WPS No. 907 of 2021

1 - Vijay Kumar Singh S/o Late Shri Laxman Singh Aged About 38 Years R/o Ho. 92/2a Kharmora Near Mobile Tower, Dadarkhurd, District Korba Chhattisgarh

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Ministry Mahanadi Bhawan, Naya Raipur, Po And P. S. Rakhi, District Raipur Chhattisgarh

2 - Registrar Cooperative Societies, Indrawati Bhawan, Naya Raipur, District Raipur Chhattisgarh

3 - Joint Registrar Cooperative Societies, Bilaspur, District Bilaspur Chhattisgarh

4 - Commissioner (Revenue) Bilaspur Division, Bilaspur District Bilaspur Chhattisgarh

5 - Chief Executive Officer Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur District Bilaspur Chhattisgarh

6 - Chairman/board Of Directors Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur District Bilaspur Chhattisgarh

7 - Collector-Cum-Authorized Officer Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur District Bilaspur Chhattisgarh

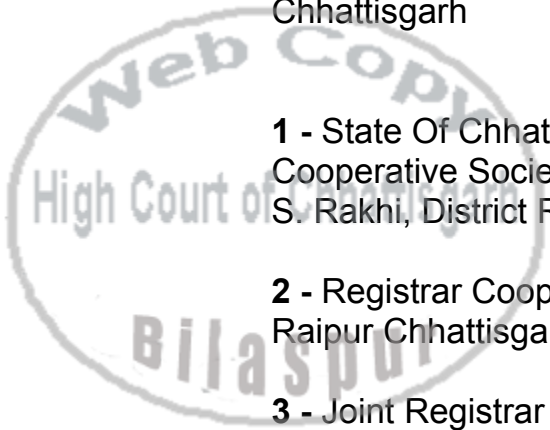
--- Respondent(s)

WPS No. 3820 of 2021

1 - Dineshwar Prasad Patel S/o Puran Lal Patel Aged About 36 Years R/o Q.No. 707, Manas Chowk, Ratakhar, District- Korba, Chhattisgarh.

---Petitioner(s)

Versus





1 - State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Ministry, Mahanadi Bhawan, Naya Raipur, Po And P.S- Rakhi, District- Raipur, Chhattisgarh.

2 - Registrar Cooperative Societies, Indrawati Bhawan, Naya Raipur, District- Raipur, Chhattisgarh.

3 - Joint Registrar Cooperative Societies Bilaspur, District- Bilaspur, Chhattisgarh.

4 - Commissioner (Revenue) Bilaspur, Division, Bilaspur, District- Bilaspur, Chhattisgarh.

5 - Chief Executive Officer Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District- Bilaspur, Chhattisgarh.

6 - Chairman/ Board Of Directors Zila Sahkari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District- Bilaspur, Chhattisgarh.

7 - Collector - Cum Authorized Officer Zila Sahkari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District- Bilaspur, Chhattisgarh.

--- Respondent(s)

WPS No. 3833 of 2021

1 - Santosh Kaushik S/o Shree M P Kaushik Aged About 31 Years R/o Kasturba Nagar, Ward No. 4, Near Prerana Vidya Mandir, Bilaspur, District Bilaspur, Chhattisgarh.

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Ministry, Mahanadi Bhawan, Naya Raipur, Post Office And Police Station Rakhi, District Raipur, Chhattisgarh.

2 - Registrar Cooperative Societies, Indrawati Bhawan, Naya Raipur, District Raipur, Chhattisgarh.

3 - Joint Registrar Cooperative Societies Bilaspur, District Bilaspur, Chhattisgarh.

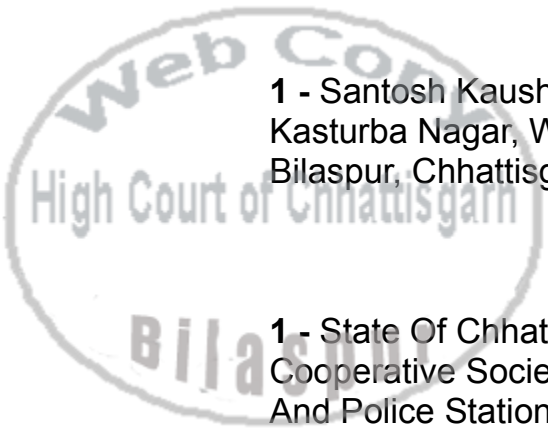
4 - Commissioner (Revenue) Bilaspur Division Bilaspur, District Bilaspur, Chhattisgarh.

5 - Chief Executive Officer Zila Sahkari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur, Chhattisgarh.

6 - Chairman / Board Of Directors Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur, Chhattisgarh.

7 - Collector-Cum-Authorized Officer Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur, Chhattisgarh.

--- Respondent(s)



**WPS No. 3982 of 2021**

1 - Suman Yadav D/o Ghanshyam Yadav Aged About 31 Years R/o Gram Bhadrapara, Tehsil Korba District Korba Chhattisgarh

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Ministry, Mahanadi Bhawan, Atal Nagar, Nawa Raipur P. O. And P. S. Rakhi, District Raipur Chhattisgarh

2 - Registrar Cooperative Societies, Indrawati Bhawan, Naya Raipur District Raipur Chhattisgarh

3 - Joint Registrar Cooperative Societies, Raipur District Raipur Chhattisgarh

4 - Commissioner (Revenue) Raipur Division Raipur District Raipur Chhattisgarh

5 - Chief Executive Officer Zila Sahakari Kendriya Bank Maryadit, Raipur Nehru Chowk Raipur District Raipur Chhattisgarh

6 - Chairman/board Of Directors Zila Sahakari Kendriya Bank Maryadit, Raipur Nehru Chowk, Raipur District Raipur Chhattisgarh

7 - Collector-Cum-Authorized Officer Zila Sahakari Kendriya Bank Maryadit, Raipur Nehru Chowk, Raipur District Raipur Chhattisgarh

--- Respondent(s)

WPS No. 4382 of 2021

1 - Aklavya Kumar Chandra S/o Tajuram Chandra Aged About 29 Years R/o-Gram - Kharri, Post - Khemda, Tehsil - Malkharoud, District - Janjgir-Champa (Chhattisgarh)

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Ministry, Mahanadi Bhawan, Naya Raipur, P.O. And P.S. Rakhi, District Raipur (Chhattisgarh)

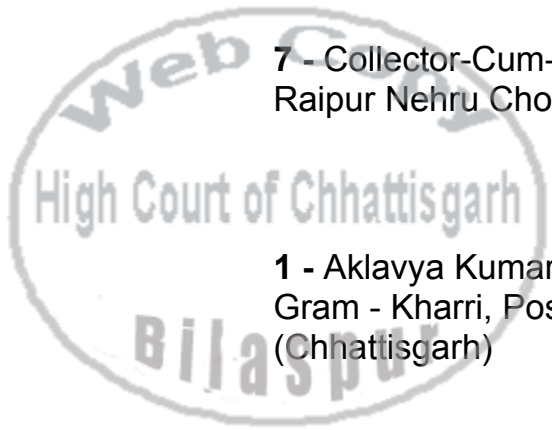
2 - Registrar Cooperative Societies, Indrawati Bhawan, Naya Raipur, District Raipur (Chhattisgarh)

3 - Joint Registrar Cooperative Societies Raipur, District Raipur (Chhattisgarh)

4 - Commissioner (Revenue) Raipur Division Raipur, District Raipur (Chhattisgarh)

5 - Chief Executive Officer Zila Sahakari Kendriya Bank Maryadit, Raipur, Nehru Chowk, Raipur, District Raipur (Chhattisgarh)

6 - Chairman / Board Of Directors Zila Sahakari Kendriya Bank Maryadit, Raipur, Nehru Chowk, Raipur, District Raipur (Chhattisgarh)





7 - Collector-Cum-Authorized Officer Zila Sahakari Kendriya Bank Maryadit, Raipur, Nehru Chowk, Raipur, District Raipur (Chhattisgarh)
--- Respondent(s)

WPS No. 6621 of 2021

1 - Dilip Sahu S/o Khedu Sahu Aged About 35 Years R/o Village Parpoda, Post- Mohbhatta, Tehsil- Berla, District- Bemetara (Chhattisgarh)
---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Ministry, Mahanadi Bhawan, Naya Raipur, Post Office And Police Station Rakhi, District Raipur (Chhattisgarh)

2 - Registrar Cooperative Societies, Indrawati Bhawan, Naya Raipur, District Raipur (Chhattisgarh)

3 - Joint Registrar Cooperative Societies Raipur, District Raipur (Chhattisgarh)

4 - Commissioner (Revenue) Raipur Division Raipur, District Raipur (Chhattisgarh)

5 - Chief Executive Officer Zila Sahakari Kendriya Bank Maryadit, Raipur, Nehru Chowk, Raipur, District Raipur (Chhattisgarh)

6 - Chairman/board Of Directors Zila Sahakari Kendriya Bank Maryadit Raipur, Nehru Chowk, Raipur, District Raipur (Chhattisgarh)

7 - Collector-Cum-Authorized Officer Zila Sahakari Kendriya Bank Maryadit, Raipur, Nehru Chowk, Raipur, District Raipur (Chhattisgarh)
--- Respondent(s)

WPS No. 2346 of 2021

1 - Om Prakash Ware S/o Ramadhar Ware Aged About 37 Years R/o- Sero, Post- Saraskela, Tehsil- Dabhara, District- Janjgir-Champa (Chhattisgarh).
---Petitioner(s)

Versus

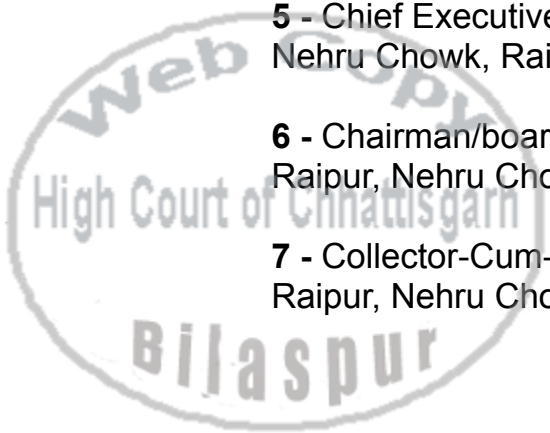
1 - State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Ministry, Mahanadi Bhawan, Naya Raipur, P.O. And P.S. Rakhi, District Raipur (Chhattisgarh).

2 - Registrar Cooperative Societies, Indrawati Bhawan, Naya Raipur, District Raipur (Chhattisgarh).

3 - Joint Registrar Cooperative Societies Raipur, District Raipur (Chhattisgarh)

4 - Commissioner (Revenue) Raipur Division Raipur, District Raipur (Chhattisgarh).

5 - Chief Executive Officer Zila Sahakari Kendriya Bank Maryadit, Raipur, Nehru Chowk, Raipur, District Raipur (Chhattisgarh).





6 - Chairman / Board Of Directors Zila Sahakari Kendriya Bank Maryadit, Raipur, Nehru Chowk, Raipur, District Raipur (Chhattisgarh).

7 - Collector-Cum-Authorized Officer Zila Sahakari Kendriya Bank Maryadit, Raipur, Nehru Chowk, Raipur, District Raipur (Chhattisgarh).

--- Respondent(s)

WPS No. 3640 of 2020

1 - Prafull Kashyap S/o Shiv Kumar Kashyap Aged About 32 Years R/o Village Pand, Post Saida, District Bilaspur Chhattisgarh.

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Ministry, Mahanadi Bhawan, Naya Raipur P. O. And P. S. Rakhi, District Raipur Chhattisgarh

2 - Registrar Cooperative Societies, Indrawati Bhawan, Naya Raipur District Raipur Chhattisgarh.

3 - Joint Registrar Cooperative Societies, Bilaspur District Bilaspur Chhattisgarh.

4 - Commissioner (Revenue) Bilaspur Division, Bilaspur District Bilaspur Chhattisgarh.

5 - Chief Executive Officer Zila Sahakari Kendriya Bank Maryadit, Bilaspur Nehru Chowk, Bilaspur District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

6 - Chairman / Board Of Directors Zila Sahakari Kendriya Bank Maryadit, Bilaspur Nehru Chowk, Bilaspur District Bilaspur Chhattisgarh.

7 - Collector-Cum-Authorized Officer Zila Sahakari Kendriya Bank Maryadit, Bilaspur Nehru Chowk, Bilaspur District Bilaspur Chhattisgarh.

--- Respondent(s)

WPS No. 3641 of 2020

1 - Chandan Pratap Singh S/o Shri Ajay Pratap Singh Aged About 31 Years R/o Village- Chirmiri, Tehsil Khadgaon, District Koriya Chhattisgarh

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Ministry, Mahanadi Bhawan, Naya Raipur, Po And P.S. Rakhi, District Raipur, Chhattisgarh

2 - Registrar Cooperative Societies, Indrawati Bhawan, Naya Raipur, District Raipur, Chhattisgarh

3 - Joint Registrar Cooperative Societies Bilaspur, District Bilaspur, Chhattisgarh

4 - Commissioner (Revenue) Bilaspur Division Bilaspur, District Bilaspur, Chhattisgarh



5 - Chief Executive Officer Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur, Chhattisgarh

6 - Chairman/ Board Of Directors Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur, Chhattisgarh

7 - Collector-Cum-Authorized Officer Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur, Chhattisgarh

--- Respondent(s)

WPS No. 3637 of 2020

1 - Rahul Kumar Soni S/o Arun Kumar Soni Aged About 29 Years R/o 1001 /1, Near Railway Colony, Kukri Talab, Gudhiyari, District Raipur Chhattisgarh.

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Ministry, Mahanadi Bhawan, Naya Raipur, P.O. And P.S. Rakhi, District Raipur Chhattisgarh.

2 - Registrar Cooperative Societies, Indrawati Bhawan, Naya Raipur, District Raipur Chhattisgarh.

3 - Joint Registrar Cooperative Societies Bilaspur, District Bilaspur Chhattisgarh.

4 - Commissioner (Revenue) Bilaspur Division, Bilaspur, District Bilaspur Chhattisgarh.

5 - Chief Executive Officer Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur District Bilaspur Chhattisgarh.

6 - Chairman / Board Of Directors Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur Chhattisgarh.

7 - Collector Cum Authorized Officer Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur Chhattisgarh.

--- Respondent(s)

WPS No. 663 of 2021

1 - Narendra Kumar Mishra S/o Shree Prabhushankar Mishra Aged About 32 Years R/o F- 1387 Everest Vihar , Htps Colony, Darri Post Jamnipala, District Korba Chhattisgarh.

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Ministry , Mahanadi Bhawan, Naya Raipur, Post Office And Police Station Rakhi, District Raipur Chhattisgarh.

2 - Registrar Cooperative Societies Indrawati Bhawan, Naya Raipur , District Raipur Chhattisgarh.



3 - Joint Registrar Cooperative Societies Raipur, District Raipur Chhattisgarh.

4 - Commissioner (Revenue) Raipur Division Raipur, District Raipur Chhattisgarh.

5 - Chief Executive Officer Zila Sahakarikendriya Bank Maryadit, Raipur , Nehru Chowk , Raipur District Raipur Chhattisgarh.

6 - Chairman / Board Of Directors Zila Sahakarikendriya Bank Maryadit , Raipur , Nehru Chowk, Raipur , District Raipur Chhattisgarh.

7 - Collector Cum Authorized Officer Zila Sahakarikendriya Bank Maryadit , Raipur , Nehru Chowk , Raipur , District Raipur Chhattisgarh.

--- Respondent(s)

WPS No. 2941 of 2021

1 - Ashwani Chandrakar S/o Nagdish Prasad Chandrakar Aged About 33 Years R/o Kasturba Nagar, Ward No. 04, Near Purna Vidya Mandir District Bilaspur Chhattisgarh.

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Ministry, Mahanadi Bhawan, Naya Raipur, P.O. And P.S. Rakhi, District Raipur Chhattisgarh.

2 - Registrar Cooperative Societies, Indrawati Bhawan, Naya Raipur, District Raipur Chhattisgarh.

3 - Joint Registrar Cooperative Societies Bilaspur District Bilaspur Chhattisgarh.

4 - Commissioner (Revenue) Bilaspur Division Bilaspur, District Bilaspur Chhattisgarh.

5 - Chief Executive Officer Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur Chhattisgarh.

6 - Chairman / Board Of Directors Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur District Bilaspur Chhattisgarh.

7 - Collector Cum Authorized Officer Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur Chhattisgarh.

--- Respondent(s)

WPS No. 3361 of 2020

1 - Mohammad Salman Khan S/o Shri Mohammad Usman Khan Aged About 28 Years R/o Near Nagina Masjid, Tarbahar Bilaspur Chhattisgarh.

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Ministry, Mahanadi Bhawan, Naya Raipur , Po And Police Station Rakhi District Raipur Chhattisgarh.



2 - Registrar Cooperative Societies , Indrawati Bhawan, Naya Raipur , District Raipur Chhattisgarh.

3 - Joint Registrar Cooperative Societies Bilaspur , District Bilaspur Chhattisgarh.

4 - Commissioner (Revenue) Bilaspur Division Bilaspur , District Bilaspur Chhattisgarh.

5 - Chief Executive Officer Zila Sahakari Kendriya Bank Maryadit, Bilaspur , Nehru Chowk , Bilaspur , District Bilaspur Chhattisgarh.

6 - Chairman/ Board Of Directors Zila Sahakari Kendriya Bank Maryadit , Bilaspur , Nehru Chowk , Bilaspur, District Bilaspur Chhattisgarh.

7 - Collector Cum Authorized Officer Zila Sahakari Kendriya Bank Maryadit , Bilaspur , Nehru Chowk, Bilaspur , District Bilaspur Chhattisgarh.

--- Respondent(s)

WPS No. 2946 of 2021

1 - Shashank Shekhar Dubey S/o Chandrashekhar Dubey Aged About 33 Years R/o Sarkanda, District Bilaspur Chhattisgarh.

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies , Ministry , Mahanadi Bhawan, Nawa Raipur , Po And Police Station Rakhi, Raipur District Chhattisgarh.

2 - Registrar Cooperative Societies, Indrawati Bhawan, Naya Raipur , District Chhattisgarh.

3 - Joint Registrar Cooperative Societies Bilaspur , District Bilaspur Chhattisgarh.

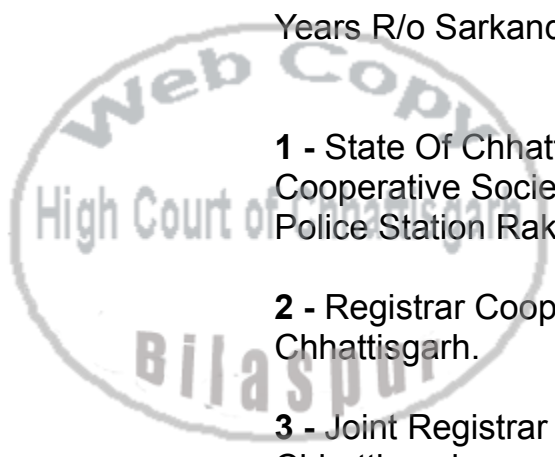
4 - Commissioner (Revenue) Bilaspur Division Bilaspur , District Bilaspur Chhattisgarh.

5 - Chief Executive Officer Zila Sahakari Kendriya Bank Maryadit, Bilaspur , Nehru Chowk , Bilaspur , District Bilaspur Chhattisgarh.

6 - Chairman / Board Of Directors Zila Sahakari Kendriya Bank Maryadit , Bilaspur , Nehru Chowk , Bilaspur , District Bilaspur Chhattisgarh.

7 - Collector Cum Authorized Officer Zila Sahakari Kendriya Bank Maryadit , Bilaspur , Nehru Chowk , Bilaspur , District Bilaspur Chhattisgarh.

--- Respondent(s)





(Cause-title taken from the Case Information System)

For Petitioner(s)	:	Ms. Fouzia Mirza, Sr. Advocate assisted by Mr. Ali Afzal Mirza, Mr. Anup Mazumdar, Advocate, Mr. Mateen Siddiqui, Advocate with Mr. Ghanshyam Kashyap, Advocate
For Respondents/State	:	Mr. Ajit Singh, Govt. Advocate
For Respondents No.5 & 7	:	Mr. Prafulla N. Bharat, Sr. Advocate assisted by Mr. Jitendra Shrivastava, Advocate

Hon'ble Shri Justice Amitendra Kishore Prasad

Order On Board

12/03/2025

1. As similar issue is involved for adjudication in all above writ petitions, they were clubbed, heard together and are being decided by this common order. However, WPS No. 3346 of 2020 is taken as a lead case and the facts of this case are being referred to in this order.
2. Petitioner has filed the writ petition challenging the order of termination passed by respondents No.5 and 6 with following reliefs :-

“10.1 This Hon'ble Court may kindly be pleased to set aside the impugned order Dated 20.02.2020 (Annexure-P/1) passed by the Chhattisgarh State Cooperative Tribunal Bilaspur.

10.2 This Hon'ble Court may kindly be pleased to set-aside the impugned order Dated 18.04.2019 (Annexure-P/2) passed by the Joint Registrar, Cooperative Society Raipur, Raipur Division;

10.3 This Hon'ble Court may kindly be pleased to quash the impugned termination order Dated 23.11.2015 (Annexure-P/3) issued by the respondent CEO Sahakari Bank Bilaspur,

10.4 This Hon'ble Court may kindly be pleased to set-aside



the impugned enquiry report Dated 14.09.2015 (Annexure-P/4) sent to the respondent Commissioner (Revenue), Bilaspur Division, Bilaspur;

10.5 This Hon'ble Court may kindly be pleased to direct the respondent CEO Sahakari Bank Bilaspur to provide the back-wages of the petitioner along-with interest from the date of termination with all the consequential service benefits;

10.6 This Hon'ble Court may kindly be pleased to grant any other order or orders, writ or writs, direction or directions as this Hon'ble court may deemed fit in the facts and circumstances of the case in favor of the petitioner, in the interest of justice.

10.6 Cost of the petition may be allowed.”

3. These writ petitioners were appointed as Clerk-cum-Computer Operator, Society Manager, Supervisor and Assistant Accountant, after recruitment, they have worked for about 9 months in the District Cooperative Bank, Bilaspur. According to the petitioners, they were appointed on their respective posts after following due process of appointment, however, while terminating them from service, they have not been granted any opportunity of hearing. Though the termination bears civil consequences and as such a proper opportunity of hearing before passing of such order is a must, which has not done in their cases. The petitioners are aggrieved by their termination order and are specially aggrieved by the procedure followed for their termination which according them is not in accordance with law.

4. The facts leading to the filing of these writ petitions are as follows :-

(i) An advertisement was issued by the Zila Sahakari Kendriya Bank Maryadit Bilaspur (hereinafter referred to as the 'Bank')



and online applications are invited from the eligible candidates for recruitment on total 110 posts of i.e. Branch Manager (10 posts); Agriculture Officer (1 posts); Sub-Engineer (civil) (2 posts); Assistant Accountants (10 posts); Supervisor (30 posts); Clerk-cum-Computer Operator (31 posts); Society Manager (Bank's Cadre Employees) (25 posts) and Stenographer (01 post).

(ii) The petitioners, along with other eligible candidates who possess the required qualifications, submitted their online applications for consideration for appointment to the aforementioned post. Written examination was conducted by the Institute of Banking Personnel Selection (In short 'IBPS') and the candidates who have been shortlisted in the written examination were subsequently called for an interview conducted by the Bank. Pursuant to the written examination followed by an interview, the petitioners herein were appointed to various posts as advertised by the Bank on and around 14.02.2015. The petitioners after fulfilling all the requisite formalities and after submitting all the requisite documents as mentioned in the appointment orders, given their joining on an around 16.03.2015. The petitioners were successfully serving in their respective posts and have completed approximately 9 to 11 months of service.

(iii) A complaint was later on filed by one Durgesh Rajput, alleging significant irregularities and illegal activities surrounding the appointment process within the Bank. According to the complaint, it was claimed that a sum of Rs. 15.00 lakhs each had been paid as bribes or undue consideration to secure employment in the Bank.

(iv) The Chief Executive Officer forwarded the said complaint



to the Commissioner (Revenue), Bilaspur Division for conducting enquiry. The Commissioner (Revenue) constituted a committee to enquire into the said complaint and after completion of the enquiry, submitted its report to the Commissioner (Revenue), Bilaspur Division on 14.09.2015. In the said enquiry report, the enquiry officer has given a finding that the recruitment process has been done in contravention of Zila Sahakari Kendriya Bank Karmachari Sewa Niyojan, Nibandhan Tatha Unki Karya Sthithi Rules, 1982 (hereinafter referred to as 'the Rules, 1982') as the information for filling the vacancy has not been sent to the Employment Exchange, the live certificate of employment exchange of the selected candidates have not been taken, certain posts were filled through direct recruitment which ought to have been filled through promotion channel, the post which were to be filled through Sakh Societies were directly filled at the level of Sahakari Bank, the minimum cut-off marks were reduced by the Bank after the merit list prepared by IBPS, in the Rules, 1982 the marks for interview was fixed as 30, but the interview was taken for 100 marks, the candidate who had secured highest marks in the written examination has got less than 40% marks in the interview because of which they could not be selected, some candidates have secured more marks than last selected candidate but they have not been selected, there was order by Sub-Registrar, Cooperative Societies of temporary injunction to not to fill the post even the posts were filled and the requisite documents and domicile certificate were submitted after the selection.

(v) Based on the enquiry report, the Chief Executive Officer



through separate orders has terminated the services of the petitioners. Against the order of termination, petitioners have raised a dispute under Section 55 (2) of the Chhattisgarh Cooperative Societies Act, 1960 (hereinafter referred to as 'the Act, 1960'), before the Joint Registrar, Cooperative Society, Raipur, which was registered as Suit Case No.55/2/KB/02/2018. The Joint Registrar, Cooperative Society, Raipur dismissed the dispute as raised by petitioners relying on the enquiry report holding that the Rules, 1982 has not been followed. Against the order of Joint Registrar, the petitioners filed an appeal before the Chhattisgarh State Cooperative Tribunal, Raipur, however, the Tribunal has also dismissed the appeal filed by petitioners vide order impugned (Annexure P-1). Against the aforesaid order, these writ petitions have been filed by the present petitioners.

5. Ms. Fouzia Mirza, Sr. Advocate assisted by Mr. Ali Afzal Mirza, Advocate, and Mr. Anup Mazumdar and Mr. Mateen Siddiqui, learned counsel appearing on behalf of respective petitioners argued that all the petitioners possess the necessary qualifications required for the respective post, and in response to the advertisement that was published, they duly submitted their online applications for the post for which they are fully qualified. They have undergone a written examination followed by an interview and thereafter, they have been selected. It is contended that the petitioners have worked in their respective post for about 9 to 11 months. It is argued that once the petitioners have been appointed, their appointment order cannot be cancelled and their services cannot be terminated pursuant to any enquiry, which was conducted behind the back of petitioners. It is



contended that no proper opportunity of hearing was granted to the petitioners in the said enquiry neither they were supplied the copy of enquiry report. No show cause notice was issued to petitioners and the impugned termination order has been passed in a very hurry and haste manner and that too being influenced by the complaint made by an unsuccessful candidate. Therefore, it is clearly in violation of the principles of natural justice. It was argued that the complainant come out with frivolous complaint to get these petitioners removed from services. The complainant has made a vague allegation that Rs. 15 lakh for each of the candidates were taken for providing a job to the petitioners, however, it has not been substantiated by any prima-facie cogent evidence as such duty is cast upon the respondents to verify and to pass appropriate orders. However, the entire contents of the complaint has been taken as a Gospel's truth and without any proper verification of the allegations made in the complaint, termination order has been passed against each of the petitioners though on different dates.

6. They would further submit that the enquiry which has been conducted is also not in accordance with law as the entire enquiry has been conducted by the Commissioner (Revenue), Bilaspur Division, who is not related to the Cooperative Bank or its authorities. In the case of the Bank, the jurisdiction for such enquiry lies before the Secretary Cooperative Societies, State of Chhattisgarh, however, the enquiry was conducted by the incompetent officer i.e. the Commissioner, Revenue Department, who was having no jurisdiction to enquire into the matter, which itself is not in accordance with law.



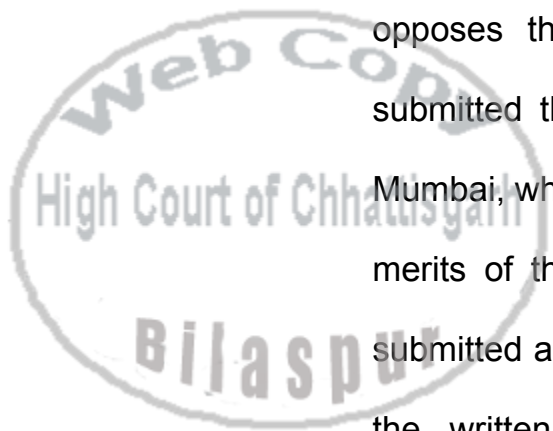
7. They would further submit that the allegations regarding non-submission of live registration certificate from employment exchange is false and fabricated, petitioners have filed their live registration certificate obtained from the employment exchange and there is nothing to show that this certificate has been filed and attached later on. There was per-conditions that who are having relevant and requisite educational qualification can be called for written examination followed by interview as such it cannot be said that the petitioners were not followed the same and without following the same they have been called for interview and they have been selected for written examination followed by interview and thereafter they were given appointment. The other allegation regarding non-submission of permanent resident certificate is also baseless. In the appointment order itself there is a condition precedent that before joining in the service, the documents will be verified and upon due verification the concerned candidates will be given joining which has been adhered in the case of each of the petitioners as such the said allegation is also baseless. The allegation that the certificates were issued after the cutoff date of 22.07.2014 is also not proved and just a airy complaint was made by the complainant. It is also argued that the Staff Sub-Committee has been constituted in consonance with the Rules 20 (2) (a) of the Rules, 1982. In the show cause notice, different reasons have been assigned for termination but in the termination order altogether different reasons has been assigned which is not in conformity with the show cause notice issued to petitioners.
8. As far as the allegation regarding enhancement of marks of interview





from 30 to 100 for selected candidates are concerned, it is argued that the marks were not actually increased. As per the advertisement, the weightage of the online exam and interview is 80:20, meaning the 200 marks of the online exam are given 80% weightage, while the 100 marks for the interview are given 20% weightage. It is also argued that there is violation of Rule 60, 61 and 62 of the Rules, 1982. The order of termination has been passed in a very illegal manner and that too without giving proper opportunity of hearing as such the same is liable to be quashed.

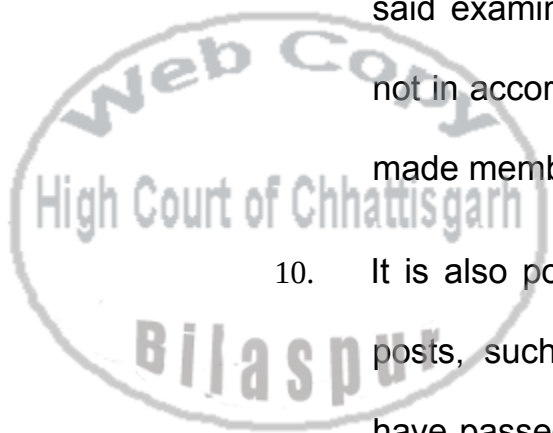
9. Mr. Prafull N. Bharat, Sr. Advocate assisted by Mr. Jitendra Shrivastava, Advocate appearing on behalf of respondent No.5 to 7 opposes the submission of learned counsel for petitioners. It is submitted that the written examination was conducted by the IBPS Mumbai, which is national level well reputed agency in order to find out merits of the aspiring candidates and after said examination, IBPS submitted a list of qualified candidates to the Bank. After the results of the written examination conducted by the IBPS, meeting was convened by the Chairman to reduce the cut off marks, which was not in terms of Rules, 1982. It is argued that the constitution of Staff-Sub-Committee is not in accordance with the Rules 20 (2) (a) of the Rules, 1982. According to the Rule 20 (2) (a) of the Rules, 1982, the Chairman would be the President of Said Committee and apart from elected members, the Deputy/Assistant Registrar Cooperative Society, Deputy Director Agriculture and Managing Director/General Manager/Manager would be the members of the said Staff-Sub-Committee, who will conduct the selection and promotion. The





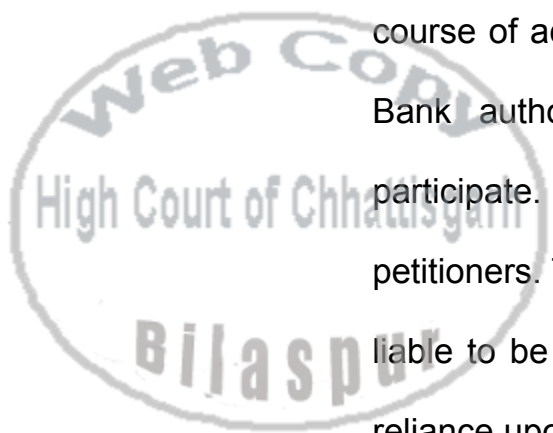
proceedings of the meeting dated 22.10.2014 would show that only President, elected members and only Deputy Director Agriculture had participated in the meeting, which shows the Staf Sub-Committee was not constituted in terms of Rule 20 of the Rules, 1982 and does not have any jurisdiction to take any decision with respect to appointment/recruitment. The said ineligible committee took a decision to reduce the cut off marks in order to facilitate the person, who have not obtained sufficient marks in the examination as prescribed. This procedure itself goes to show that in order to fulfill the post on the basis of nepotism 'Blue eyed' candidates were selected and they were given maximum marks in the interview so that they may compete the said examination. The constitution of the "Interview Board" was also not in accordance with law. The daily wager, contract employees were made member of the interview board.

10. It is also pointed out that IBPS had clearly observed that for certain posts, such as Agriculture Officer and Stenographer, no candidate have passed the examination, however, by reducing the cut off marks these posts were also filled up. It is argued that the Enquiry Committee, constituted by the Commissioner (Revenue), conducted a fact-finding inquiry revealing widespread illegalities in the recruitment process. Due to the extensive nature of the misconduct, it is impossible to identify individuals who were unlawfully benefited or wrongfully deprived of selection, therefore, the only way out available was to cancel the whole selection process. The entire selection process adopted by the authorities are per-se illegal as such the entire recruitment process is vitiated.





11. It is submitted that entire selection process was based upon high handedness of the officers. The enquiry report goes to show that selection has been made on receiving handsome amount as such it is prima-facie illegal. When a complaint was received, the contents of the complaint was duly verified and thereafter, the Commissioner has conducted an enquiry. The irregularities and illegalities committed were on high pedestals and that too the appointment orders were obtained on the basis of handsome amount given to the officials.
12. Although the petitioners worked for 9 to 11 months, but since the selection process was void ab initio and could not be rectified or continued, canceling the entire appointment was the appropriate course of action. Fresh recruitment will be initiated by the respondent Bank authorities, providing the petitioners ample opportunity to participate. If eligible, they can be selected, ensuring no loss to the petitioners. These petitions are being devoid of any substance and it is liable to be dismissed. The learned counsel for the Bank has placed reliance upon the judgment of Hon'ble Supreme Court in case of **State of Bihar & Ors. Vs. Kirti Narayan Prasad**, reported in **(2019) 13 SCC 250**, in case of **Virendra Kumar Gautam & Ors. Vs. Karuna Nidan Upadhyay & Ors.**, reported in **(2016) 14 SCC 18**, in case of **Gohil Vishwaraj Hanubhai & Ors. Vs. State of Gujrat & Ors.** reported in **(2017) 13 SCC 621**, in case of **Nidhi Kaim Vs. State of M.P. & Ors.** reported in **(2016) 7 SCC 615**, in case of **Nidhi Kaim & Anr. Vs. State of M.P. & Ors.**, reported in **(2017) 4 SCC 1** and in case of **Union of India & Ors. Vs. O. Chakradhar**, reported in **(2002) 3 SCC 146**.
13. Learned State counsel adopts the arguments advanced on behalf of





respondents-Bank.

14. In reply, learned counsel for petitioners submits that Section 57-B of the Act, 1960 gives autonomy to the Bank thus adherence to the Rules, 1982 was not required. The advertisement itself stipulates that the Bank has authority to reduce the cut off marks after the online examination. Impugned termination order has been passed in violation of Rule 62 of the Rules, 1982. It is also argued that the enquiry was unilateral, conducted without granting proper opportunity of hearing. Hence, the enquiry report cannot serve as the basis for termination, and the petitioners are entitled to be heard before passing the order of termination. The counsel for the petitioners have placed reliance upon the judgment of Hon'ble Supreme Court in case of **Sachin Kumar & others Vs. Delhi Subordinate Services** reported in (2021) 4 SCC 631, in case of **Anamica Mishra & Ors Vs. U.P. Public Service Commission, Allahabad & Ors** reported in 1990 Supp SCC 692, in case of **Benny T.D. & Ors Vs. Registrar of Cooperative Societies & Anr.** reported in (1998) 5 SCC 269, in case of **Tanvir Singh Sodhi & Ors. Vs. State of Jammu and Kashmir & Ors** reported in 2023 SCC OnLine SC 344, in case of **Charles k. Skaria vs. Dr. C. Mathew**, reported in (1980) 2 SCC 752, in case of **Dolly Chhanda vs. Chairman Jet**, reported in (2005) 9 SCC 779, in case of **Mohinder Singh Gill Vs The Chief Election Commissioner**, reported in (1978) 1 SCC 405, in case of **Vice-Chancellor Banaras Hindu University Vs. Shrikant**, reported in (2006) 11 SCC 42, in case of **Shekhar Ghosh Vs UOI**, reported in (2007) 1 SCC 331, in case of **Siemens Ltd Vs State of Maharastra**, reported in (2006) 12 SCC 33, and the



orders passed by this Court in **WPS NO. 3981/2012 "Rameshwar Prasad Rajwar Vs. State of Chhattisgarh & others"** dated 09.09.2015, **Writ Appeal No. 448/2017 "Krishna Kumar Dahariya Vs. State of Chhattisgarh & others"** order dated 24.09.2018, **WP No. 5535/2012 "Pravesh Kumar Vs. State of M.P."** dated 04.08.2014, in **WP MD No. 10054/2023 "S Amuthasonia Vs. State of Tamilnadu"** dated 01.02.2024 and submits that only on the basis of whims and capricious of the authorities, the order of termination has been passed. However, none of the grounds were substantiated by any prima-facie cogent evidence and without there being any specific reasons, this termination order has been passed, which is per-se illegal and is liable to be quashed.

15. I have heard learned counsel for the respective parties, perused the documents placed on record and examined the relevant sections and rules relied upon by them.

16. Before proceeding further, I deem it proper to reproduce the relevant provisions of Section 55 and Section 57-B (7) of the Act, 1960, which are as follows :

"Section 55. Registrar's power to determine conditions of employment in societies --

(1) The Registrar, may, from time to time, frame rules governing the terms and conditions of employment in a society or class of societies and the society or class of societies to which such terms and conditions of employment are applicable shall comply with the order that may be issued by the Registrar in this behalf :]

(2) Where a dispute, including a dispute regarding terms of employment, working conditions and disciplinary action



taken by a society, arises between a society and its employees, the Registrar or any officer appointed by him not below the rank of Assistant Registrar shall decide the dispute and his decision shall be binding on the society and its employees:

Provided that the Registrar or the officer referred to above shall not entertain the dispute unless presented to him within thirty days from the date of order sought to be impugned:

Provided further that in computing the period of limitation under the foregoing proviso, the time requisite for obtaining copy of the order shall be excluded.”

Section 57- B (7)-- The short term co-operative credit structure society shall be autonomous in all financial and internal administrative matters especially in the following areas:-

(i) interest rates on deposits and loans in conformity with and subject to Reserve Bank's guidelines,

(ii) borrowings and investments,

(iii) loan policies and individual loan decisions.

(iv) personnel policy, staffing, recruitment, posting and remuneration to staff, and

(v) internal control systems, appointment of auditors and compensation for the audit.”

17. Similarly, Rule 20 (2) (a), Rule 23(2)(a), Rule 60, Rule 61, and Rule 62 of the Rules, 1982 are also relevant, which are as follows:-

“Rule 20 (2) (a)- मंडल द्वारा एक स्टाफ उप समिति का गठन किया जायेगा जिसमें मंडल के निर्वाचित सदस्यों में से तीन सदस्य नियुक्त किये जायेंगे. मंडल का अध्यक्ष इन समितियों का भी अध्यक्ष होगा. स्टाफ उप समिति में निर्वाचित सदस्यों के अतिरिक्त जिले के उप/सहायक पंजीयक,





सहकारी संस्थायें, उप संचालक कृषि तथा प्रबंध संचालक/महाप्रबंधक/प्रबंधक, भी सदस्य होंगे जो योग्य कर्मचारियों की नियुक्ति एवं पदोन्नति हेतु चयन तथा सेवा नियमों के तहत प्रदत्त अन्य अधिकारों/कर्तव्यों का निर्वहन करेगी. निर्णय बहुमत के आधार पर मान्य होगा. बैंक के प्रबंध संचालक/महाप्रबंधक/प्रबंधक स्टाफ उप समिति सदस्य सचिव होंगे.]”

Rule 23 (2) (a). ---जिला सहकारी केन्द्रीय बैंकों में नवीन भर्ती हेतु लिखित परीक्षा आयोजित किये जाने एवं तदुपरांत लिखित परीक्षा में प्राप्त अंकों पर मेरिट के आधार पर साक्षात्कार हेतु बुलाये जाने का कड़ाई से पालन किया जावे. लिखित परीक्षा वस्तुनिष्ठ आधार पर आयोजित की जावे. लिखित परीक्षा में सामान्य ज्ञान 30 अंक, सामान्य गणित 30 अंक, सामान्य हिन्दी 20 अंक एवं सामान्य अंग्रेजी 20 अंक रखी जावे. साक्षात्कार हेतु 25 अंक निर्धारित किये जाते हैं.]

Rule 60 :- निलम्बन, सेवा समाप्ति तथा छंटनी - (एक) परीवीक्षा अवधि पर नियुक्त कर्मचारी का कार्य, यदि परीवीक्षा में संतोषजनक नहीं तो स्टाफ उप समिति ऐसे अधिकारी की सेवा समाप्त कर सकेगी और ऐसी सेवा समाप्ति के विरुद्ध कोई अपील नहीं की जा सकेगी.

(दो) यदि किसी कर्मचारी के विरुद्ध दुराचरण या उसके द्वारा की गई अनियमितताओं या उसके द्वारा अपने कार्य के प्रति उदासीनता की शिकायत प्राप्त होती है तो ऐसे कर्मचारी के विरुद्ध स्टाफ उप समिति द्वारा जांच प्रारम्भकराई जा सकेगी ऐसे कर्मचारी को दिये जाने वाले आरोप पत्र के साथ आरोपों - का विवरण पत्र संलग्न किया जावेगा कर्मचारी को ऐसे जांच अधिकारी के समक्ष जो स्टाफ उप समिति/मुख्य कार्यपालन अधिकारी द्वारा नियुक्त किया जाय, अपना स्पष्टीकरण प्रस्तुत करना होगा. ऐसे कर्मचारी जिसके विरुद्ध आरोप लगाये गये हैं, उसे यदि वह इच्छा व्यक्त करे तो व्यक्तिगत सुनवाई का अवसर भी दिया जावेगा. यदि कर्मचारी द्वारा स्पष्टीकरण नहीं दिया जाता या उसके द्वारा प्रस्तुत स्पष्टीकरण संतोषजनक नहीं पाया जाता तो स्टाफ उप समिति जांच प्रतिवेदन के आधार पर प्रस्तावित दण्ड की सूचना संबंधित कर्मचारी को देगी और यह कहा जायेगा कि क्या यह प्रस्तावित दण्ड उस पर लागू कर दें. यदि कर्मचारी से अन्य कोई स्पष्टीकरण प्राप्त नहीं हो तो स्टाफ उप समिति कर्मचारी के विरुद्ध





दण्ड का आदेश जारी कर सकेगी:

किन्तु प्रतिबंध यह है कि जांच अधिकारी, उस कर्मचारी से वरिष्ठ होगा जिसके विरुद्ध जांच की जा रही है.

(तीन) कर्मचारी को निम्नलिखित परिस्थितियों में निलंबित किया जा सकेगा:-

(1) यदि पंजीयक के वैधानिक निरीक्षक/अंकेक्षण में किसी कर्मचारी के विरुद्ध गंभीर अनियमितताएं पायी गई हों, या

(2) यदि आर्थिक अपराध अनुसंधान ब्यूरो का लोकायुक्त कार्यालय द्वारा किसी कर्मचारी का न्यायालय चालान प्रस्तुत किया गया हो या किसी कानून के अन्तर्गत उसे प्रतिबंधात्मक निरोध में रखा गया हो या ४८ घंटे से अधिक अवधि तक हिरासत में रखा गया हो, या

(3) यदि कर्मचारी के विरुद्ध गम्भीर दुराचरण की शिकायत प्राप्त हुई हो और वह प्रथम दृष्टया सही पाई गई हो.

(4) यदि कर्मचारी द्वारा बैंक के कार्य जैसे वसूली आदि के प्रकरणों में, किसी व्यक्ति द्वारा कर्मचारी के विरुद्ध कोई आपराधिक कार्यवाही की जाने पर, कर्मचारी को ४८ घंटे से अधिक अवधि तक न्यायिक हिरासत में रखा गया हो तो संस्था की स्टाफ कमेटी पंजीयक की पूर्व अनुमति लेकर कर्मचारी का निलंबन समाप्त कर सकेगी.]

(चार) कर्मचारियों को निलंबित करने के लिए सक्षम अधिकारी, मुख्य कार्यपालन अधिकारी होगा. किन्तु उपरोक्त कंडिका (तीन) (2) की परिस्थितियों को छोड़कर, शेष मामलों में स्टाफ उप समिति में, निलंबन आदेश की पुष्टि कराना आवश्यक होगी. यदि स्टाफ उप समिति द्वारा तीन माह में पुष्टि नहीं की जाती है तो निलंबन आदेश स्वतः ही समाप्त हो जावेगा.

(पांच) जिस कर्मचारी के विरुद्ध गंभीर दुराचरण के विरुद्ध जांच स्थापित की गई हो, उसे जांच के लंबित रहते हुए निलंबित किया जा सकेगा. निलंबन आदेश लिखित रूप में होगा और प्रभावित कर्मचारी को व्यक्तिगत रूप से अथवा पंजीकृत डाक द्वारा अथवा इन नियमों में प्रावधानित रीति





से तामिल कराया जावेगा.

(छः) निलंबन आदेश में निलंबन के कारणों का संक्षिप्त उल्लेख होगा और जांच स्थापित करते समय कर्मचारी को आरोप पत्र तथा आरोपों के विवरण तथा दस्तावेज और गवाह सूची जिनसे आरोप सिद्ध किये जाने हैं, निलंबन आदेश के दिनांक से ४५ दिन के अन्दर जारी किये जावेंगे. यह अवधि उल्लेखित कारणों से और पंजीयक की पूर्वानुमति से ६० दिन तक बढ़ाई जा सकेगी.

(सात) यदि उपरोक्तानुसार आरोप पत्र आदि ४५ दिन या ६० दिन जैसी भी स्थिति हो, में जारी नहीं किया जाता है, तो निलंबित कर्मचारी स्वतः वहाल हो जायेगा और उस स्थान पर जहां से उसे निलंबित किया गया हो, कार्यभार ग्रहण कर लेगा. किन्तु यह भी कर्मचारी को आरोप पत्र आदि तामिल किये जाने पर पुनः निलंबित किया जा सकेगा.

(आठ) कर्मचारी को निलंबन अवधि में निर्वाह भत्ते के रूप में स्वीकार्य वेतन की आधी राशि के बराबर निलंबन भत्ते का अधिकार होगा. कर्मचारी की निलंबन अवधि साधारणतः छः माह से अधिक नहीं होगी किन्तु मुख्य कार्यपालन अधिकारी द्वारा कर्मचारी की निलंबन अवधि को आगे छः माह और बढ़ाया जा सकेगा तथा आपराधिक अभियोजन के प्रकरण में यह अवधि प्रकरण के निर्णय तक हो सकेगी

[किन्तु कर्मचारी के ३ माह से अधिक निलंबित रहने पर कर्मचारी को शासन के वर्तमान नियमों के अन्तर्गत निर्वाह भत्ता देय होगा.]

(नौ) निलम्बनाधीन कर्मचारी विना मुख्य कार्यपालन अधिकारी की लिखित पूर्वानुमति के मुख्यालय नहीं छोड़ेगा और न ही उसे सामान्यतः किसी भी प्रकार के अवकाश की पात्रता होगी. वह अपनी उपस्थिति सूचना मुख्य कार्यपालन अधिकारी को या उसके द्वारा निर्देशित किसी अन्य अधिकारी को देगा.

(दस) जिस प्रकरण में जांच या आपराधिक प्रकरण एक वर्ष की वधि में समाप्त न हो सके, मुख्य कार्यपालन अधिकारी के द्वारा निर्वाह भत्ते में राज्य शासन के कर्मचारियों को लागू नियमानुसार परिवर्तन किया जा सकेगा.





Rule 61 :- दोषी पाए जाने पर कर्मचारी को दण्ड-- (एक) जांच में कर्मचारी को दोषी पाये जाने पर कर्मचारी को कंडिका (चार) में दर्शित अनुसार मुख्य कार्यपालन अधिकारी/स्टाफ उप समिति द्वारा दण्ड दिया जायेगा.

(दो) जांच करने पर यदि कर्मचारी अंशतः या पूर्णतः दोषी पाया जावे तो उसे सेवा नियम क्रमांक ५७ के अधीन दण्ड दिया जावेगा और वह निलंबन अवधि में दिये गये निलंबन भत्ते को छोड़ अन्य किसी भी प्रकार की राशि का हकदार नहीं होगा. यदि निलंबन आदेश प्रभावहीन कर दिया जाय या कर्मचारी के विरुद्ध लगाये गये आरोपों में दोषी न पाये जाने पर उसे पुनः सेवा में वहाल कर दिया जावे तो यह भी माना जावेगा कि वह निलंबन अवधि में कर्त्तव्य पर था और वह ऐसे वेतन का हकदार होगा जो उसे निलंबित न किये जाने की स्थिति में प्राप्त हुआ होता और वह उतनी रकम प्राप्त करने का अधिकारी होगा जो वेतन में से उसे प्राप्त निलंबन भत्ता घटाने के बाद शेष रहे, वशर्ते कि निलंबन अवधि में कर्मचारी कोई अन्य नौकरी या कारोवार से संबंधित न रहा हो.

(तीन) यदि कर्मचारी को आपराधिक प्रकरण में संदेह का लाभ देकर वरी किया गया हो तो मुख्य कार्यपालन अधिकारी उस प्रकरण में जांच करने तथा जांच के परिणामों का प्रतिवेदन प्रस्तुत करने हेतु किसी अधिकारी को अधिकृत कर सकता है तत्पश्चात् उपरोक्त कंडिका (एक) व (दो) के अन्तर्गत आवश्यक कार्यवाही करेगा.

(चार) बैंक के कर्मचारी के विरुद्ध साधारण दण्ड व गंभीर दण्ड देने का अधिकार निम्नलिखित अधिकारियों व स्टाफ उप समिति को होगा:-

अधिकारी/कर्मचारी के पदनाम	साधारण दण्ड के लिए	गंभीर दण्ड के लिए
अ- वर्ग १, २, व ३ के कर्मचारी	मुख्य कार्यपालन अधिकारी	स्टाफ उप समिति
व- वर्ग ४ व ५ के कर्मचारी	मुख्य कार्यपालन अधिकारी	मुख्य कार्यपालन अधिकारी
स- संवर्ग के कर्मचारी	मुख्य कार्यपालन अधिकारी	स्टाफ उप समिति

नोट-पंजीयक द्वारा आदेश क्र. साख। विधि। १५।१५४७ दिनांक ७-४-१९६२, नियम ६१ उपनियम (छः) में संशोधन किये जाने का लिखा है. नियम ६१ इसके पूर्व पंजीयक के आदेश द्वारा दि. ५-५-१९६० को



प्रतिस्थापित किया जा चुका है और उसमें उपनियम (छः) कहीं भी नहीं है। ऐसी स्थिति में यह संशोधन निरर्थक हो जाता है। ऐसा प्रतीत होता है कि दि. ७-४-१९६२ को उपरोक्त संशोधन आदेश पारित करते समय पंजीयक के ध्यान में यह बात नहीं लाई गई कि नियम ६१ पहले से ही प्रतिस्थापित हो चुका है और उन्होंने निरस्त नियम ६१ के उपनियम (छः) में संशोधन करने का उपरोक्त आदेश पारित कर दिया। पंजीयक द्वारा पारित किया गया उपरोक्त संशोधन आदेश नियम ६१ पुरता निम्नानुसार है:-

"नियम क्र. ६१ (छ) के (ब) के (१) एवं (ब) का (३) में निम्नानुसार संशोधन किया जाता है:-

नियम क्रमांक ६१ (छः)

(ब) बैंक अधिकारी/कर्मचारी

(१) प्रबंधक

(२) अतिरिक्त प्रबंधक

(३) शाखा अभिकर्ता/शाखा निरीक्षक/आंतरिक /आंतरिक अंकेक्षक/ सहायक मुख्य पर्यवेक्षक/कार्यालय अधीक्षक/कृषि अधिकारी/स्टेनोग्राफर/सांख्यिकीय अधिकारी/उपयंत्री/लेखापाल एवं समकक्ष श्रेणी के कर्मचारी."

Rule 62.-- सेवा समाप्ति, सेवा से त्याग पत्र, छंटनी.- [(एक) अस्थायी कर्मचारियों की सेवाएँ स्टाफ उप समिति के निर्णय पर मुख्य कार्यपालन अधिकारी द्वारा एक माह का नोटिस देकर समाप्त की जा सकेगी. वर्ग-५ के कर्मचारियों की सेवाएं मुख्य कार्यपालन अधिकारी स्वयं एक माह का नोटिस देकर समाप्त कर सकेंगे.]

(दो) परिवीक्षाधीन व्यक्ति की सेवाएं सक्षम अधिकारी द्वारा विना कोई कारण दर्शाये समाप्त की जा सकती हैं.

(तीन) बैंक का कर्मचारी चाहे वह स्थाई या परिवीक्षाधीन हो वह बैंक को लिखित सूचना देकर अपना पद त्याग कर सकेगा. स्थायी कर्मचारी द्वारा सूचना देने की अवधि तीन माह तथा अस्थायी और परिवीक्षाधीन कर्मचारी के लिए एक माह होगी.

कर्मचारी सूचना के बदले में यथा स्थिति सूचना की अवधि का वेतन तथा उसके अतिरिक्त सेवा निवन्धन जो उसने निष्पादित किया हो, उसमें यदि कोई बन्धत हो, तो उसकी राशि का भुगतान बैंक को करेगा. बैंक को, कर्मचारी को देय राशि में से उपरोक्त की बकाया धनराशि की कटौती करने का वैध अधिकार होगा.



प्रावधित है कि यदि कर्मचारी ने किसी निर्धारित अवधि तक बैंक में सेवा करने का अनुबन्ध निष्पादित किया हो तो उसे अनुबंधित अवधि में त्याग-पत्र देने का अधिकार, नहीं होगा. यदि ऐसा कर्मचारी सेवा से त्याग पत्र देता है तो उसे ऐसा सेवा नियम 25 (तीन) के प्रावधान के अनुसार राशि वापस करना होगी.

(चार) बैंक द्वारा किसी कर्मचारी की सेवा समाप्त करने पर या कर्मचारी द्वारा त्याग पत्र पर उसके द्वारा समस्त प्रपत्रों, खातों, रिकार्ड, नगदी, प्रतिभूतियां और फाइलों का, जो उसके संरक्षण में हो सम्पूर्ण कार्य भार उस कर्मचारी को जिसे कार्यालय के प्रमुख अधिकारी द्वारा लिखित में ऐसा कार्यभार ग्रहण करने का आदेश दिया हो, देना होगा और जब तक कि कर्मचारी द्वारा सम्पूर्ण चार्ज नहीं दे दिया जाता है, तब तक उसे/उसको किसी भी देय राशि का भुगतान प्राप्त करने का अधिकार नहीं होगा.”

18. The first and the foremost question before this Court is whether the Commissioner (Revenue) was competent to enquire into the matter and based upon the said enquiry report whether the respondent-Bank is required to initiate proceedings for removal of the petitioners.

19. The employees of the Cooperative Bank are governed by the Act of 1960 as well as by the Rules, 1982. A careful examination of both the Act, 1960 and the Rules, 1982, particularly in relation to the irregularity or illegally committed in the recruitment of the employees within the Cooperative Bank, reveals that the Commissioner (Revenue) does not possess the authority or jurisdiction to conduct any sort of inquiry in such matters. For taking action under the aforesaid acts and rules, the competent authority would be either the Registrar or its subordinate officer and the Staff Sub-Committee of the concerned bank. Even if any sort of enquiry is to be done, it would be upon the bank authority or to the Registrar. The Bank means the Cooperative Bank which is governed by its own regulations and to be looked after by the

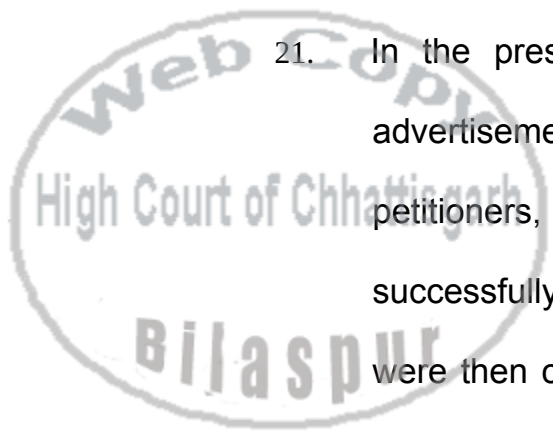


Cooperative Department. The Commissioner (Revenue) is having no authority and jurisdiction to initiate any enquiry in this matter. Since the entire process for termination of petitioners has been initiated based on the enquiry report submitted by the Commissioner (Revenue) in the first and itself it is illegal and without any competency. The said enquiry report as produced by the Commissioner (Revenue) is not in accordance with law and if any further process has been initiated and order of removal from services have been passed on the basis of such enquiry report, it would be also against the law.

20. The second question which attracts this Court for consideration is violation of principles of natural justice.

21. In the present cases, It is undisputed that the Bank issued an advertisement inviting online applications for various posts. The petitioners, along with other eligible candidates, applied and successfully passed the written examination conducted by IBPS. They were then called for an interview by the Bank and were appointed to various posts. After completing all formalities and submitting required documents, the petitioners joined their duties and they have completed 9 to 11 months of service. Case of the respondent-Bank is that certain illegalities and infirmities were committed in the process of selection and the Rules, 1982 has not been followed. In light of the aforementioned circumstances, it must also be considered whether the principles of natural justice should be followed or not.

22. It is true that, based on complaints or inquiry reports, the respondent bank has discovered certain irregularities and malpractices in the recruitment process. Allegations have been made, suggesting that





some appointments were obtained by offering substantial bribes. However, despite such allegations, the Bank's primary and most crucial responsibility is to provide the petitioners with a proper opportunity of hearing and the employees were required to be heard so that they may dispel the allegation levelled against them. The decision to terminate their services, especially when the petitioners were appointed in due process of recruitment, they have served the bank for a period of 9 to 11 months, carries significant civil consequences. Such an action should not be taken lightly and must not be executed without granting the petitioners a fair and reasonable opportunity of being heard.

23. In the present matter, even if the total case of the Bank is taken into consideration as it is, even though since we are living in the civilized society it is duty of the employer to give proper opportunity of hearing to each of the petitioner so that they may dispel allegations made against them and they may properly defend themselves. Removal order cannot be passed in a very light manner, as the consequence of the removal is far reaching. The order of removal bears civil consequences. The entire families are being ruined due to removal of one of the employee. They are having family members including the children and as such before passing of such a harsh orders, the delinquent employees have to be to be given proper opportunity of hearing.

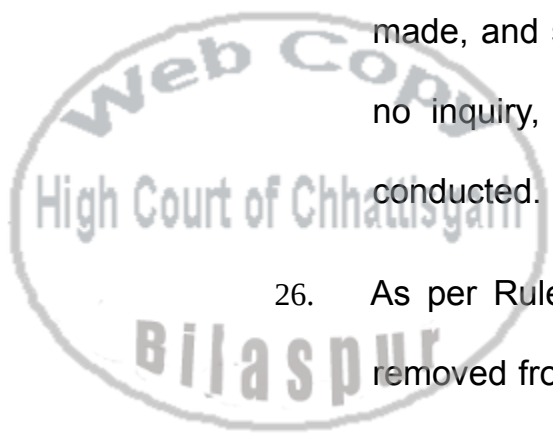
24. In the present case, perusal of the record would show that the impugned orders have been passed without affording any opportunity to the petitioners. The enquiry if any was conducted by the



Commissioner (Revenue) was without any authority and it was conducted behind the back of petitioners. They were not given proper opportunity to participate in the proceedings. They were not made aware as to what are the specific allegations against each of them or what are the specific illegalities or irregularities in the recruitment process and accordingly, this Court finds no hesitation for considering setting aside the impugned orders of termination/removal passed by the respondent Bank on this ground alone.

25. The third question for consideration is that, although a show cause notice was issued to the petitioners and they had duly replied to it, the order of removal was still passed against them. Allegations were made, and specific stigma was attributed to each petitioner; however, no inquiry, as envisaged under Rule 60 of the Rules, 1982, was conducted.

26. As per Rule 62 of the Rules, 1982, a temporary employee may be removed from service by giving one month's notice, and a probationer may be removed without assigning any reason. However, in the present case, specific allegations were levelled against each of the petitioners, and the impugned orders of removal are stigmatic in nature. These orders carry serious civil consequences that could adversely affect the petitioners' future employment prospects. Although the petitioners were serving on probation, the presence of stigma in the removal orders necessitated adherence to the principles of natural justice. In such circumstances, it was incumbent upon the authorities to conduct a proper inquiry, which includes issuing a show cause notice along with a detailed charge-sheet, and affording the





petitioners a personal hearing. Only after providing a fair and reasonable opportunity to defend themselves any order of removal could have been passed.

27. It is pertinent to note that even in cases where the removal of a delinquent employee is contemplated, it is mandatory to issue a notice to that effect. The proposed punishment must be clearly communicated to the concerned employee, and an opportunity must be provided for the employee to submit an explanation.
28. Rule 60 of the Rules, 1982 is akin to a departmental enquiry, and in all respects, the procedure prescribed for a departmental enquiry is required to be followed. However, in the present case, none of the provisions of Rule 60 of the Rules, 1982 have been followed. No proper opportunity of hearing, as envisaged under the said Rule, was granted. In the absence of any prescribed procedure, a regular employee appointed through due process of law has been removed from service, which is, in fact, contrary to the procedure laid down for initiating a departmental enquiry
29. There is clear violation of Rule 60 of the Rules, 1982 in which there is provision to grant proper opportunity of hearing and if delinquent employee seeks personal hearing it has to be granted. There is mention in the rules that the delinquent employee is required to give charge-sheet along with relevant documents and he has to give list of witnesses upon which the department proposes to prove the allegation made against delinquent employee.
30. There is a clear violation of Rule 60 of the Rules, 1982, which mandates that a proper opportunity of hearing must be granted to the



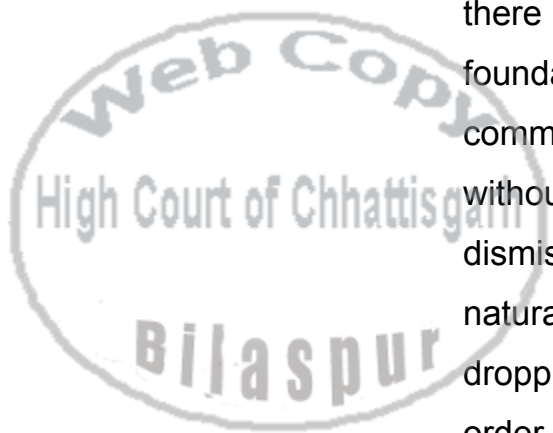


delinquent employee. If the employee seeks personal hearing, it is required to be provided. The Rule further stipulates that the delinquent employee must be served with a charge-sheet along with the relevant documents, and the department is required to furnish a list of witnesses through whom it proposes to prove the allegations against the employee.

31. The Hon'ble Supreme Court in case of **Ratnesh Kumar Choudhary Vs. Indira Gandhi Institute of Medical Sciences, Patna, Bihar & Ors.**, reported in **(2015) 15 SCC 151** has observed as under :-

“27. It is well settled in law, if an ex parte enquiry is held behind the back of the delinquent employee and there are stigmatic remarks that would constitute foundation and not the motive. Therefore, when the enquiry commenced and thereafter without framing of charges or without holding an enquiry the delinquent employee was dismissed, definitely, there is clear violation of principles of natural justice. It cannot be equated with a situation of dropping of the disciplinary proceedings and passing an order of termination simpliciter. In that event it would have been motive and could not have travelled to the realm of the foundation.”

32. In a recent pronouncement, Hon'ble Supreme Court in case of **Swati Priyadarshini Vs. State of Madhya Pradesh & Ors**, reported in **2024 SCC OnLine SC 2139** decided on **22.08.2024**, in which the ratio laid down by the Hon'ble Supreme Court is to the fact that even if for contractual appointment, if any stigmatic order is to be passed, it is to be passed after holding proper enquiry and after giving due opportunity of hearing to the concerned delinquent/employee, which has not been done in this case. In para 34 of the said judgment, the





Hon'ble Supreme Court has held as under :-

“34. It is profitable to refer to what five learned Judges of this Court laid down in *Parshotam Lal Dhingra v. Union of India*, 1957 SCC OnLine SC 5:

“28. The position may, therefore, be summed up as follows : Any and every termination of service is not a dismissal, removal or reduction in rank. A termination of service brought about by the exercise of a contractual right is not per se dismissal or removal, as has been held by this Court in *Satish Chander Anand v. Union of India* [(1953) 1 SCC 420 : 1953 SCR 655]. Likewise the termination of service by compulsory retirement in terms of a specific rule regulating the conditions of service is not tantamount to the infliction of a punishment and does not attract Article 311(2), as has also been held by this Court in *Shyam Lal v. State of Uttar Pradesh* [(1954) 1 SCC 572 : (1955) 1 SCR 26]. In either of the two abovementioned cases the termination of the service did not carry with it the penal consequences of loss of pay, or allowances under Rule 52 of the Fundamental Rules. It is true that the misconduct, negligence, inefficiency or other disqualification may be the motive or the inducing factor which influences the Government to take action under the terms of the contract of employment or the specific service rule, nevertheless, if a right exists, under the contract or the rules, to terminate the service the motive operating on the mind of the Government is, as Chagla, C.J., has said in *Shrinivas Ganesh v. Union of India*, [58 Bom LR 673 : AIR 1956 Bom 455] wholly irrelevant. In short, if the termination of service is founded on the right flowing from contract or the service rules then, prima facie, the termination is not a punishment and carries with it no evil consequences and so Article 311 is not attracted. But even if the Government has, by contract or under the rules, the right to terminate the employment without going through the procedure prescribed for inflicting the





punishment of dismissal or removal or reduction in rank, the Government may, nevertheless, choose to punish the servant and if the termination of service is sought to be founded on misconduct, negligence, inefficiency or other disqualification, then it is a punishment and the requirements of Article 311 must be complied with. As already stated if the servant has got a right to continue in the post, then, unless the contract of employment or the rules provide to the contrary, his services cannot be terminated otherwise than for misconduct, negligence, inefficiency or other good and sufficient cause. A termination of the service of such a servant on such grounds must be a punishment and, therefore, a dismissal or removal within Article 311, for it operates as a forfeiture of his right and he is visited with the evil consequences of loss of pay and allowances. It puts an indelible stigma on the officer affecting his future career. A reduction in rank likewise may be by way of punishment or it may be an innocuous thing. If the government servant has a right to a particular rank, then the very reduction from that rank will operate as a penalty, for he will then lose the emoluments and privileges of that rank. If, however, he has no right to the particular rank, his reduction from an officiating higher rank to his substantive lower rank will not ordinarily be a punishment. But the mere fact that the servant has no title to the post or the rank and the Government has, by contract, express or implied, or under the rules, the right to reduce him to a lower post does not mean that an order of reduction of a servant to a lower post or rank cannot in any circumstances be a punishment. The real test for determining whether the reduction in such cases is or is not by way of punishment is to find out if the order for the reduction also visits the servant with any penal consequences. Thus if the order entails or provides for the forfeiture of his pay or allowances or the loss of his seniority in his substantive rank or the stoppage or postponement of his future chances of promotion, then that circumstance may indicate that although in form the Government had purported





to exercise its right to terminate the employment or to reduce the servant to a lower rank under the terms of the contract of employment or under the rules, in truth and reality the Government has terminated the employment as and by way of penalty. The use of the expression “terminate” or “discharge” is not conclusive. In spite of the use of such innocuous expressions, the court has to apply the two tests mentioned above, namely, (1) whether the servant had a right to the post or the rank, or (2) whether he has been visited with evil consequences of the kind hereinbefore referred to? If the case satisfies either of the two tests then it must be held that the servant has been punished and the termination of his service must be taken as a dismissal or removal from service or the reversion to his substantive rank must be regarded as a reduction in rank and if the requirements of the rules and Article 311, which give protection to government servant have not been complied with, the termination of the service or the reduction in rank must be held to be wrongful and in violation of the constitutional right of the servant.”

(emphasis supplied)

33. Thus, as seen from the expressions of the Apex Court, if an order is founded on allegations, the order is stigmatic and punitive, the services of an employee cannot be dispensed with without affording him an opportunity of defending the accusations/allegations. Even an employee on a contract cannot be terminated without allowing a hearing.

34. In the case at hand, as seen from the proceedings impugned, no opportunity of hearing is afforded to the petitioners though the order of removal from service is stigmatic one and thus, the order suffers from a violation of principles of natural justice. On that ground alone, the order impugned is liable to be set-aside.



35. For the foregoing, all these writ petitions are allowed. The order of termination of petitioners from service which are under challenge in these writ petitions are hereby quashed. Petitioners are directed to be reinstated in service without back wages. However, the respondents authorities are at liberty to initiate fresh proceedings for taking action against the petitioners on the basis of allegation made by following proper procedure and by giving proper opportunity of hearing to petitioners.
36. No order as to cost.

Sd/-
(Amitendra Kishore Prasad)
Judge





HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3346 of 2020

PANKAJ KUMAR TIWARI

versus

STATE OF CHHATTISGARH

Head-note

As the consequences of removal from service extent, beyond the employee to their families, ensuring compliance with the principles of natural justice is not just necessary but it is a moral obligation too.

