



HIGH COURT OF CHHATTISGARH AT BILASPUR

Order Sheet

WPS No. 1345 of 2025

RAMJI KHANDE **versus** ZILA SHAHKARI KENDRIYA BANK MARYADIT, Durg

04/03/2025	Mr. Karunendra Narayan Singh, Advocate appears on behalf of Mr. B.P. Sharma, counsel for the petitioner. Mr. Manish Upadhyay, counsels for the respondent. Learned counsel for the petitioner submits that in an identical petition notices were issued in the matter of likewise employee in which proposed punishment was stated for recovery of amount alongwith some minor punishment and also to lodge FIR against the delinquent employee. In the first round of litigation, learned counsel for the petitioner prays that he may be allowed to withdraw this petition so that he may apprise the authorities to pass appropriate orders because, the impugned order has been passed for removal from service, whereas in the proposed punishment it was in
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respect of lodging of FIR with minor punishment.

Accordingly, the petitioner in the first round was allowed to make a representation and in turn the authorities are directed to decide the representation made by the petitioner.

In the later round, when the representation was rejected by the respondent authorities, confirming the order of removal from service, the petitioner approached this Court, in which in a likewise petition this Court has passed order staying the effect and operation of the impugned order of removal.

In the present case, the proposed punishment has not been made by the authorities, but in the notice the respondents have stated that they will lodge an FIR and appropriate action be taken against the petitioner, in case the petitioner will not deposit the amount to the tune of Rs.6,49,500/-. As such, the petitioner is praying that the impugned order may be stayed which has been passed in the earlier petition may be granted in this petition also and all the petitions may be heard together.

Relying on the judgments passed by the Hon'ble Supreme Court in the matter of **Isolators & Isolators v. M.P. Madhya Kshetra Vidyut Vitran Co. Ltd** reported in **(2023) 8 SCC 607** and in the matter of **State of M.P. v. Sanjay Nagayach** reported in **(2013) 7 SCC 25**, learned counsel for the petitioner prays for grant of interim relief in the present petition.

Learned counsel for the respondents objected the argument advanced by the learned counsel for the petitioner and submitted that the petition itself is not maintainable. The petitioner has to avail alternative statutory remedy available under Section 55(2) of the Chhattisgarh Co-operative Societies Act, 1960, which the petitioner has not availed and has directly filed this petition, as such, the petition is not maintainable. It was argued that in the present case, no proposed punishment was stated by the respondent authorities and it was also argued that in the rules itself it is mentioned about recovery from the persons, if there is any embezzlement has been done.

On this ground, the learned counsels for the respondent objected this petition and further objected grant of any interim relief in favour of the petitioner.

Learned counsel for the respondent placed reliance upon judgments passed by the coordinate bench in WPS No.6658 of 2018, WPS No.7898 of 2022, WPS No.7247 of 2009 and also judgment passed by the Division Bench of this Court in WA No.73 of 2025. He submits that no case is made out for grant of interim relief.

Considering the facts and circumstances of this case and further considering the fact that in the earlier bunch of the petitions, interim order has been passed, the effect and operation of the impugned order is stayed till next date of hearing.

The petitioner is directed to supply the case number of the connected matters and with the consent of the parties, the matter is directed to be listed **on 26th of March, 2025** for analogous hearing.

Sd/-
(Amitendra Kishore Prasad)
Judge