



2026:CGHC:12516



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6978 of 2024

1 - Krishna Kumar Verma S/o Shri Budharu Ram Verma Aged About 41 Years R/o Gram Panchayat Mudhipar, District Khairagarh - Chhuhikhadan Gandai, Chhattisgarh.

... **Petitioner**

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Cooperative, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.

2 - Registrar Cooperative Societies Chhattisgarh, Block -3, Second And Third Floor, Indravati Bhavan, Raipur, Chhattisgarh.

3 - Divisional Joint Registrar Cooperative Societies, Durg Division, District Durg Chhattisgarh

4 - Prescribed Authority / Prescribed Officer Sewa Sahkari Samiti Maryadit, Mudhipar, District Rajnandgaon, Chhattisgarh.

5 - Deputy Registrar Co-Operative Societies, District Rajnandgaon, Chhattisgarh.

6 - Chief Executive Officer District Cooperative Central Bank, Rajnandgaon Chhattisgarh.

... **Respondents**

For Petitioner	:	Mr. Animesh Tiwari, Advocate
For Respondents No. No.:	:	Mr. Anuja Sharma, Dy. Government Advocate
1, 2, 3 & 5/State	:	
For Respondent No. 6	:	Mr. Priyanka Rai, Advocate on behalf of Mr.
	:	Shashank Thakur, Advocate



SB: Hon'ble Shri Parth Prateem Sahu, Judge

ORDER ON BOARD

16/03/2026

1. There is no representation on behalf of the Respondent No. 4. Earlier, notice was issued to the Respondents No. 4 & 6. When no one appeared on the date of hearing for the Respondent No. 4, on a prayer made by the counsel for petitioner Dasti Notice was also permitted to be served upon the Respondent No. 4. Petitioner submitted report of the Dasti service mentioning that it was served upon the Respondent No. 4 Sahakari Sewa Samati Maryadit, Mudhipar. Dasti report is filed along with the covering memo, however, today also, there is no representation on behalf of the Respondent No. 4.
2. Learned counsel for the petitioner submits that the case of petitioner is covered with the decision of the Co-ordinate Bench of this Court in case of ***Lalaram Chandrakar Vs. State of Chhattisgarh & Ors.*** reported in ***WP (S) No. 347/2025***, ***Santosh Kumjam Vs. State of Chhattisgarh & Ors.*** reported in ***WP (S) No. 7070/2024*** and ***Deendayal Pal Vs. State of Chhattisgarh & Ors.*** reported in ***WP (S) No. 6923/2024***. He contended that the order dated 23.01.2025 passed in the case of Lalaram (Supra) is challenged in Writ Appeal No. 162/2025 which also came to be dismissed vide order dated 07.03.2025 observing that there is non-compliance of Rule 17 of the Chhattisgarh State Co-operative Employees Service Rules, 2018 (*hereinafter for brevity referred to as the Rules, 2018*) and in this case also, very specific ground has been raised by the petitioner that before suspending the petitioner, the relevant rule has not been followed which requires prior approval of the Divisional Joint Registrar and therefore, this petition be heard in absence of the Respondent No. 4.



3. Learned counsel for the Respondents No. 1, 2, 3 & 5/State would submit that the petition is not maintainable as the petitioner is having the alternate efficacious remedy available under Rule 16.9 of the Rules, 2018 for filing the suit under Section 55 (2) of the Cooperative Societies Act, 1960.
4. I have heard learned counsel for the parties and perused the documents placed on record.
5. The claim of petitioner is that the order of suspension is passed without following the due procedure of law as provided under Rule 17 of the Rules, 2018. Therefore, in the facts of the case, considering the decision of the Hon'ble Supreme Court in cases in the cases of ***Whirlpool Corporation v. Registrar of Trade Marks*** reported in ***(1998) 8 SCC 1***, ***Harbanslal Sahnia v. Indian Oil Corporation Limited*** reported in ***(2003) 2 SCC 107***, and in case of ***Assistant Commissioner of Sales Tax & Others Vs. Commercial Steel Limited*** reported in ***(2021) SCC OnLine SC 884***, I am of the view that the writ petition can be maintained even if the petitioner is having the alternate efficacious remedy as the order of suspension is passed without following the due process of law according to the submission of the counsel for petitioner.
6. Rule 17 of the Rules, 2018 is extracted below for ready reference:-

17. संस्था के कर्मचारी का निलंबन:-

01. ऐसे कर्मचारी को जिसके विरुद्ध गंभीर दुराचरण के लिये कार्यवाही की जा रही हो सोसायटी के बोर्ड द्वारा निर्णय पारित कर संभागीय संयुक्त पंजीयक की पर्वानुमति से निलंबित किया जा सकेगा। ऐसा निलंबन आदेश लिखित रूप में होगा और कर्मचारी को व्यक्तिगत रूप से या पंजीकृत डाक द्वारा दिया जावेगा।

02. कर्मचारी को निलंबन अवधि में निर्वाह भत्ते के रूप में निश्चित वेतन के आधे के बराबर निलंबन भत्ते का अधिकार होगा और वह बिभा सक्षम अधिकारी की लिखित अनुमति के मुख्यालय नहीं छोड़ेगा। निलंबन अवधि में कर्मचारी को किसी भी प्रकार की छुट्टी नहीं दी जावेगी वह जैसे ही और जब भी कहीं जाएगा, अपनी अनुपस्थिति की सूचना सक्षम अधिकारी को या उसके द्वारा अधिकृत किसी व्यक्ति को देगा।



03. निलंबन अवधि तीन माह से अधिक नहीं होगी, निलंबन अवधि संचालक मण्डल के अनुमोदन से बढ़ाई जा सकती है परन्तु यह विस्तारित अवधि छः माह से अधिक नहीं होगी। किंतु लांब अनिवार्य रूप से तीन माह के भीतर कर ली जाये। यदि जांच करने पर कर्मचारी संयत या पूर्णक दोषी पाया जाये तो उसे नियम अनुसार दण्ड दिया जा सकेगा और यह निलंबन अवधि में दिये गये भत्ते को छोड़कर अन्य किसी भी प्रकार के देतन का अधिकारी नहीं होगा।”

Rule 17 of the Rules, 2018 talks about the suspension of the employees of the institutions. The employees against whom there is allegation of serious misconduct, after taking prior permission/approval of the Divisional Joint Registrar, the employee can be suspended. When the specific stand is of the petitioner that the aforementioned Rule 17 has not been followed, perusal of the order dated 15.06.2024 (Annexure P/1) would show that the prescribed authority has passed an order of suspension. It does not mention about any proceeding as has been provided under Rule 17 of the Rules, 2018 was initiated before passing the order dated 15.06.2024 (Annexure P/1). In the aforementioned facts of the case, order of suspension dated 15.06.2024 (Annexure P/1) is not sustainable. Accordingly, it is **quashed**. However, the respondent authorities shall take decision on the period of suspension of the petitioner, expeditiously preferably within a further period of 03 months from the date of receipt of the order. However, Respondent No. 4 will be at liberty to proceed in accordance with law, if he so desires.

7. With the aforesaid observation and direction, this writ petition stands **allowed**.

Sd/-
(Parth Prateem Sahu)
Judge