



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 13195/2015

CNR: RJHC020337952015 | URN: CW / 23507U / 2015

Pooran Singh Meena Son Of Shri Samliya Ram Meena,
Dhadhrain, Bharatpur.

-----Petitioner

Versus

1. State Of Rajasthan Through Its Principal Secretary,
Cooperative Department, Government Of Rajasthan,
Government Secretariat, Jaipur
2. Registrar, Cooperative Societies, Rajasthan, Jaipur.
3. Additional Registrar, Cooperative Societies, Bharatpur
Division, Bharatpur
4. Additional Registrar, Cooperative Societies, Jaipur
Division, Jaipur
5. Central Cooperative Bank Limited, Sawai Madhopur,
Through Its Managing Director.

-----Respondents

Connected With

S.B. Civil Writ Petition No. 13196/2015

CNR: RJHC020587552015 | URN: CW / 23508U / 2015

Dilip Singh Shekhawat S/o Shri Bodu Singh, Tb Clinic, Sahar,
Sawai Madhopur.

-----Petitioner

Versus

1. State Of Rajasthan Through Its Principal Secretary,
Cooperative Department, Government Of Rajasthan,
Jaipur.
2. Registrar, Cooperative Societies, Rajasthan, Jaipur.
3. Additional Registrar, Cooperative Societies, Bharatpur
Division, Bharatpur.
4. Additional Registrar, Cooperative Societies, Jaipur
Division, Jaipur.
5. Central Cooperative Bank Limited, Sawai Madhopur
Through Its Managing Director.

-----Respondents



For Petitioner(s) : Mr. Ashok Bansal, Adv. with
Mr. Pawan Sharma, Adv.
For Respondent(s) : Mr. A. K. Pareek, Adv.
Mr. Hansraj Kuldeep, AGC

HON'BLE MR. JUSTICE ANAND SHARMA

Judgment

15/09/2026

1. Both the aforesaid writ petitions involved similar facts and circumstances, cause of action and question of law, hence, with the consent of the parties, they were heard together and are being decided by this common order.

2. For the sake of convenience, the facts stated in S.B. Civil Writ Petition No. 13195/2015 are being taken into consideration.

3. Petitioner being aggrieved by orders dated 25.08.2015 and 01.09.2015 has approached this Court and it is contended in the writ petition that the petitioner was working in Central Cooperative Bank, Sawaimadhopur on contract basis, however, the resolution No.11(2) dated 26.09.2013 was passed by Central Cooperative Bank Limited in order to resolve that services of the petitioner should be regularised. The aforesaid resolution was approved by the Board of Central Cooperative Bank on 26.09.2014. Pursuant to the aforesaid resolution, order dated 10.12.2014 was passed, whereby the petitioner was regularly appointed on the post of Class-IV employee and accordingly posting was given to him vide order dated 13.12.2014.

4. Grievance of the petitioner is that thereafter, the Additional Registrar of Cooperative Societies unauthorizedly





intervened in the process and vide order dated 25.08.2015, the aforesaid resolution passed by the Society was stayed while exercising powers under Section 125 (1) of Rajasthan Cooperative Societies Act, 2001 (for short 'the Act of 2001') and for cancelling the aforesaid resolution the matter was directed to be sent to Rajasthan State Cooperative Tribunal, Jaipur. Thereafter, in compliance of order dated 25.08.2015 passed by the Additional Registrar, the Managing Director of Sawaimadhopur Central Cooperative Bank passed order dated 01.09.2015 to cancel the earlier resolutions as well as the appointment orders till decision to be taken by the Rajasthan State Cooperative Tribunal.

5. Learned counsel for the petitioner, at the outset, relied upon judgment of Division Bench of this Court in the case of **Tej Singh Vs. Hanumangarh Central Co-operative Bank Ltd. & Ors. (D.B. Civil Special Appeal No.52/2013)** decided on 23.01.2013, where in similar circumstances after considering the provisions of Sections 30B and 125 of the Act of 2001, the Division Bench has observed in following manner:-

"Sections 30B and 125 of the Act are extracted hereunder:-

"30B- Autonomy in all financial and internal administrative matters.- Notwithstanding anything contained in this Act or any other law for the time being in force, a short term co-operative credit structure society shall have autonomy in all the financial and internal administrative matters including the following areas, namely-

- (a) personal policy, staffing, recruitment, posting and compensation to staff;
- (b) issues relating to affiliation and disaffiliation with any federal structure of its choice including entry and exit at any level.
- (c) area of operation according to its business requirements; and
- (d) internal control systems.

125. Power of Registrar to rescind certain resolutions- (1) If in the opinion of the Registrar, any resolution passed at the meeting of any co-operative society or committee thereof is opposed to the objects





of the society or is prejudicial to the interests of the society or its members at large, or is in excess of the powers of the society, the Registrar, may staying execution of the resolution interimsly, propose to rescind the resolution:

Provided that the Government or the Registrar shall not do anything or take action or issue any order or directive which has effect of curtailing any of the freedom or powers given under this Act to any short term co-operative credit structure society or adversely affect the provisions of this Act.

(2) In case where the Registrar has interimsly stayed execution of any resolution under sub-section (1), he shall, within a period of forty five days, send the proposal of rescinding the resolution to the Tribunal for consideration.

(3) The Tribunal shall, after giving the society an opportunity of being heard, decide upon the proposal of the Registrar and pass its final orders."

A plain reading of these two provisions would demonstrate in clear terms that not only the Society in terms of Section 30B has been vested with the autonomy amongst others in the matter of recruitment of its staff, the proviso to Section 125 in no uncertain terms prohibits any interference on the part of the Registrar of Co-operative Societies in a manner having the potential of curtailing or undermining such autonomy.

As admittedly the appellant/writ-petitioner had been appointed on contract basis for a period of six months in acknowledgment of the services rendered by him and his continued utility in administrative exigencies as felt by the Society, the resolution to appoint him on contract basis is patently in exercise of its power traceable to Section 30B of the Act. In that view of the matter, the intervention of the Registrar of Co-operative Societies Jaipur in the manner done, as is evident from the office order dated 4.12.2012 of the Managing Director of the Society, in our view, is opposed to the letter and spirit of the proviso to Section 125 of the Act. In the above view of the matter, we are inclined to intervene. As a result, the decision to terminate the contract services of the appellant/writ-petitioner as communicated by the office order dated 4.12.2012 is held to be illegal and in violation of the provisions of the Act. As it has been submitted on behalf of the appellant/writ-petitioner that meanwhile he has been relieved of the charge of the office of the Manager, which he had been holding on the basis of contract services, we consequently direct that the charge be restored to him.

The appeal is thus allowed. We, however, make it abundantly clear that this adjudication has been made in the facts and circumstances of the case and should not be construed to be the liberty granted to the Society to make further appointment to the appellant/writ-petitioner on such contract basis. It would, however, be open to it to make its own assessment of its requirement and take an appropriate action on the basis thereof."





6. Learned counsel for the respondents although opposed the writ petition and submitted that the respondent-Society did not follow the due procedure for appointment of the petitioner and the appointments were illegal on account of not following the relevant rules, yet are not in a position to controvert the fact that the issue with regard to autonomy of Cooperative Society as well as scope of interference of Registrar under Section 125 has already been tested by Division Bench of this Court in the case of **Tej Singh (supra)**.

7. In view of above, where it has come out that the controversy involved in the present writ petition is no more *res integra* and it has already been held by the Division Bench that the Registrar while exercising the powers under Section 125 of the Act of 2001 cannot make any interference so as to curtail or undermine the autonomy of the Society, this Court finds that the decision to terminate services of the petitioner vide orders dated 25.08.2015 and 01.09.2015 is arbitrary and contrary to the above decision of the Division Bench.

8. For the reasons mentioned hereinabove, the writ petitions filed by the petitioners are hereby allowed. The orders dated 25.08.2015 and 01.09.2015 are hereby quashed and set aside.

9. It is informed that by virtue of interim order dated 14.09.2015 passed by the Co-ordinate Bench of this Court, since operation of the aforesaid order was stayed, therefore, the petitioners were continuing in service of the respondents in compliance of interim order. The interim order is made absolute. The respondents shall permit the petitioners to continue in service





and to grant them all consequential benefits and it is made clear that services of the petitioners shall not be terminated except in accordance with the provisions of law.

- 10. Pending application(s), if any, stand(s) disposed of.
- 11. Copy of this judgment be also placed in connected writ petition.

(ANAND SHARMA),J

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