

Case Name:- Basava Kalyan Meenugarika Sahakara Sangha v. Registrar of Co-Operative Societies

Citation:- 2016 SCC OnLine Kar 3681

Link:- <http://www.sconline.com/DocumentLink/ryfy55g9>

Judgement:- <https://share.google/FugnvVN87VSFbKdIB>

Summary and Conclusion:-

The background of this case, as detailed in the judgment from the High Court of Karnataka (Gulbarga Bench), involves a dispute between two cooperative societies regarding registration and operational jurisdiction.

The Parties

The Petitioner: Basava Kalyan Meenugarara Sahakara Sangha Niyamitha, a cooperative society of fishermen.

The Private Respondent (Respondent No. 4): Mahabalesh Pardi Meenugarara Sahakara Sangha Niyamitha, a newly registered cooperative society also consisting of fishermen.

The Core Conflict

The petitioner challenged the registration of Respondent No. 4, which had been granted by the Assistant Registrar of Co-operative Societies on November 15, 2013. The petitioner's primary grievance was that Respondent No. 4 was authorized to operate in the same business area and under the same regulations as the petitioner, effectively creating a conflict of interest or overlapping jurisdiction under the Karnataka Co-operative Societies Act, 1959.

The Procedural History

Initial Appeal: The petitioner originally filed an appeal against the registration of Respondent No. 4 before the Deputy Registrar of Co-operative Societies, Bidar.

The Interim Stay: During that appeal, the Deputy Registrar initially granted an interim stay on the registration of Respondent No. 4.

The Vacated Stay: On July 10, 2014, the Deputy Registrar passed an "impugned order" that vacated the previous stay, allowing Respondent No. 4 to continue its operations while the appeal was still being heard.

The Writ Petition

Dissatisfied with the removal of the stay, the petitioner approached the High Court. They argued that vacating the stay without reaching a final hearing rendered their appeal effectively useless, as Respondent No. 4 could continue to operate in the interim. They sought to have the High Court quash the order that vacated the stay and intervene in the ongoing registration dispute.

Based on the judgment from the High Court of Karnataka (Gulbarga Bench) in the case of Basava Kalyan Meenugarara Sahakara Sangha Niyamitha v. The Registrar of Co-operative Societies & Others, the court reached the following conclusion:

Final Order and Disposition

The Court declined to interfere with the impugned order at that stage, viewing the writ petitions as premature. The conclusion can be broken down into these key directives:

Dismissal of Interlocutory Challenge: The Court refused to quash the order dated July 10, 2014, which had vacated a previous stay. The Judge noted that this was merely an interim order and did not warrant High Court intervention while the main appeal was still pending.

Direction to the Appellate Authority: The Court directed the Deputy Registrar of Co-operative Societies, Bidar (Respondent No. 2), to hear and decide the pending statutory appeal on its merits.

Procedural Timeline: The parties were directed to appear before the Deputy Registrar on September 19, 2014.

The Deputy Registrar was mandated to pass a final reasoned order in accordance with the law within three months from the date of the judgment.

Status of the Petitions: The writ petitions were disposed of with these specific directions, effectively sending the dispute back to the appropriate administrative appellate forum for a final decision.

Core Reasoning

The Court's rationale was centered on the principle of exhausting alternative remedies. Since a regular appeal was already actively pending before the Deputy Registrar, the Court held that it was inappropriate to pronounce judgment on the rival contentions of the parties until that lower appellate authority had completed its review.

Case Name:- Basavannappa v. Registrar of Co-operative Societies

Citation:- 1990 SCC OnLine Kar 545

Link:- <http://www.sconline.com/DocumentLink/ce1hK3Wc>

Judgement:- <https://share.google/qoRkE0Ut74Y8xAFfy>

Summary and Conclusion:-

The background of the case Basavannappa v. The Registrar of Co-operative Societies & Others involves a legal challenge regarding the administrative authority to suspend an employee within the co-operative framework.

Factual Context

The Petitioner: The petitioner served as the Secretary of the Kudapali Village Service Co-operative Society Ltd., Hirekerur.

The Suspension: On December 2, 1988, the petitioner was placed under suspension by an order passed by the Member-Secretary of the Common Cadre Authority.

Basis for Suspension: The order listed several alleged misdemeanors committed by the petitioner. It stated that the suspension was an interim measure pending a formal disciplinary inquiry by the Authority.

The Legal Dispute

The petitioner challenged the suspension order in the High Court of Karnataka primarily on the grounds of jurisdiction and authority:

Improper Authority: The petitioner argued that the power to suspend rested solely with the Common Cadre Authority (a larger body consisting of a Chairman and members) and not with the Member-Secretary acting individually.

Regulatory Argument: To support this, the petitioner relied on Regulation 30 of the regulations framed by the Registrar of Societies in 1986. They interpreted this regulation to mean that only the collective Managing Committee or the full Authority had the right to suspend a Secretary.

The Counter-Argument

The respondents (the Registrar and others) argued that the Member-Secretary or the Managing Director of the Central Bank had the explicit power under the same Regulation 30 to place a Secretary under suspension if they were satisfied it was necessary while an inquiry was pending.

The case ultimately centered on whether the specific individual who signed the order had the delegated or statutory power to do so under the Co-operative Societies Act and its associated regulations.

In the case of Basavannappa v. The Registrar of Co-operative Societies & Others (1990 SCC OnLine Kar 545), the High Court of Karnataka reached the following conclusion:

The Decision

The Court dismissed the writ petition, upholding the suspension order against the petitioner.

Key Findings

Authority to Suspend: The petitioner (Secretary of a Co-operative Society) argued that only the Common Cadre Authority a larger body had the power to suspend him, rather than the Member-Secretary.

Interpretation of Regulation 30: The Court found that under Regulation 30, the Managing Director of the Central Bank (or the Managing Committee) is explicitly empowered to place a Secretary under suspension if they are satisfied it is necessary pending a disciplinary inquiry.

Validity of the Action: The Court ruled that initiating disciplinary action and placing a person under suspension pending that inquiry are distinct actions. The Managing Director acted within the specific powers granted by the regulations to ensure an interim suspension while the Common Cadre Authority handles the broader disciplinary proceedings.

Final Order

The Court directed that if a disciplinary enquiry is contemplated, the responsible parties must initiate and hold the same within six months from the date of the order (November 6, 1990).