

Case Name: -B. Neelakant v. Joint Registrar of Coop. Societies

Citation: -2024 SCC OnLine Kar 30277

Link: -<http://www.sconline.com/DocumentLink/9h3j59Nk>

Judgement: -

https://www.sconline.com/print/J_2024_SCC_OnLine_Kar_30277_23090100380_revaeduin_20260318_145630_1_3.pdf

Summary and conclusion: -

Sri B. Neelakant v. Joint Registrar of Co-Operative Societies & Another, involves a long-standing legal battle regarding the petitioner's employment status and promotion rights following a criminal conviction and subsequent acquittal.

The sequence of events is as follows:

1. Initial Employment and Criminal Case

Employment: The petitioner, Sri B. Neelakant, joined the service of Respondent No. 2 (the Co-operative Society/employer) in 1988. He was promoted to the rank of Diary Operator Grade-IV in 1993.

Suspension: He was later arrested and suspended from service due to his involvement in a criminal case (Spl.(Loka).C.C. no. 1/2007).

Acquittal: Although he was initially convicted by the Sessions Court, he challenged the conviction before the High Court. On December 13, 2013, the High Court allowed his appeal and set aside the conviction.

2. Struggle for Reinstatement

Dismissal without Enquiry: Despite the acquittal, the petitioner had been dismissed from service without a formal departmental enquiry, based solely on the original criminal conviction.

Appellate Success: He appealed this dismissal to Respondent No. 1 (the Joint Registrar), who ordered his reinstatement with all consequential benefits on April 17, 2015.

Delayed Implementation: The employer did not immediately implement this order. The petitioner had to file a Writ Petition (W.P. no. 110868/2015) to force the implementation. He was eventually reinstated in February 2015.

3. New Departmental Charges

Compulsory Retirement: While his claims for benefits were pending, a fresh departmental enquiry was initiated by the Lokayukta. Based on a report dated January 9, 2018, the petitioner was punished with compulsory retirement.

Second Reversal: The petitioner challenged this retirement in another Writ Petition (W.P. no. 100648/2018). On June 11, 2019, the High Court again ruled in his favor, directing the authorities to extend benefits as per the 2015 order.

4. The Dispute Over Promotion

Claim for Promotion: Following these legal victories, the petitioner submitted representations in July 2022 seeking promotion and the associated pay scales (Rs. 1500-2000).

The Rejection: On February 8, 2023, the employer (Respondent No. 2) rejected his claim for promotion.

The Registrar's Refusal: Aggrieved, the petitioner raised a formal dispute under Section 70 of the Karnataka Co-Operative Societies Act, 1959 before the Joint Registrar (Respondent No. 1).

The Impugned Order: The Joint Registrar refused to decide the case on its merits, claiming the petitioner should instead approach a "competent authority."

This refusal by the Joint Registrar to exercise his jurisdiction is what led to the 2024 Writ Petition you provided, where the petitioner sought to quash that refusal and finally secure his promotion and monetary benefits.

The High Court of Karnataka (Dharwad Bench) concluded this matter by allowing the writ petition in part and issuing specific directions for a fresh adjudication of the dispute.

The core conclusion can be broken down into these primary outcomes:

1. Quashing of the Impugned Order

The Court quashed the order passed by the Joint Registrar of Co-operative Societies (Respondent No. 1). The Registrar had previously refused to decide the petitioner's promotion dispute on the grounds that the petitioner should approach a different "competent authority." The Court found this refusal illegal and a failure to exercise vested jurisdiction.

2. Remand for Adjudication on Merits

The Court remitted the matter back to the Joint Registrar (Respondent No. 1) with the following mandates: -

*The Registrar must consider the dispute (Annexure-Q) on its merits

*All contentions from both the petitioner and the employer (Respondent No. 2) remain open for discussion.

*The Registrar must provide an opportunity for all parties to be heard.

3. Procedural Timeline

To ensure a swift resolution, the Court set a strict schedule:-

*Respondent No. 2 (the employer) is directed to appear before the Registrar on August 27, 2024, with any objections.

*The Registrar is required to adjudicate and conclude the dispute within an outer limit of two months thereafter.

4. Denial of Immediate Promotion

The Court declined to grant the petitioner's alternative prayer for an immediate directive to promote him to the cadre of "Dairy Operator Grade-I" or "Diary Supervisor Grade-I." The Judge ruled that since the promotion claim is the subject matter of the dispute already before the Registrar, the Court could not adjudicate those specific merits without a prior decision from the original authority.

Case Name: - B.S. Ramachandra v. Registrar of Coop. Societies

Citation: -2024 SCC OnLine Kar 27219

Link: -<http://www.sconline.com/DocumentLink/t0PiUYsl>

Judgement: -<https://share.google/lv9uaVbItDcsqtFos>

Summary and conclusion: -

B.S. Ramachandra v. Assistant Registrar of Co-Operative Societies involves a decade-long dispute over a loan or financial liability that was eventually resolved through a settlement during the pendency of the writ petition.

1. The Original Dispute (2002–2012)

The litigation traces back to a dispute numbered SA. Ni. 29/DDS/508/2002-2003. This suggests that the legal friction began over twenty years ago. On March 20, 2012, the Assistant Registrar of Co-Operative Societies (Respondent No. 1) passed an order against the petitioners, which they subsequently challenged.

2. Appeals and Tribunal Ruling (2013–2015)

The petitioners appealed the 2012 order (Appeal 159/2013). However, on November 30, 2015, the Karnataka Appellate Tribunal issued an order (Annexure-H) that was also unfavorable to the petitioners. This led them to approach the High Court in 2015 to quash both the Assistant Registrar's original order and the Tribunal's appellate order.

3. Changes in Parties

During the long life of this case (from 2015 to 2024), the original petitioner, B.S. Ramachandra, passed away. The case was continued by his Legal Representatives (Lrs), who are the current petitioners mentioned in the 2024 order.

4. Nature of the Grievance

The dispute primarily concerned:

Loan Liability: A debt owed to a respondent bank.

Withheld Documents: The bank was holding "original documents" (likely property deeds or security collateral) belonging to the petitioners as security for the outstanding balance.

Legal Challenge: The petitioners were seeking a Writ of Certiorari to overrule the previous administrative and tribunal decisions that likely validated the bank's claims or the debt amount.

5. Final Resolution (2024)

While the case was still pending before the High Court, the parties opted for an out-of-court resolution. They reached a One Time Settlement (OTS), which is a common mechanism for settling distressed bank loans. By December 2024, the petitioners cleared the agreed-upon amount, and the bank issued a "No Due Certificate," effectively ending the underlying financial conflict.

The case of *B.S. Ramachandra v. Assistant Registrar of Co-Operative Societies & Others* (2024) reached a conclusion based on an out-of-court settlement between the parties, leading the High Court of Karnataka to dispose of the petition.

Here are the specific details of the conclusion:

1. Disposal as Settled (Infructuous)

The Court disposed of the writ petition because the dispute had been settled through a One Time Settlement (OTS). Since the grievance was resolved, the legal challenge against the previous orders (from 2012 and 2015) became "infructuous" (no longer having any practical legal stakes).

2. Recognition of "No Due Certificate"

The Court took on record a memo and a No Due Certificate dated December 16, 2024, issued by the respondent bank. This document confirmed that:-

*All outstanding balances were cleared.

*The bank had no further financial claims against the petitioners.

3. Mandatory Return of Original Documents

The primary directive issued by the Court in its final order was for the respondent bank to return all original documents to the petitioners.

Timeline: The bank must return the documents within 15 days from the date of receipt of the court order.

Compliance: The bank is also required to complete all other formalities necessary for the formal closure of the loan account.

Case Name: -B.V. Rchandre Gowda (Dr) v. Registrar of Coop. Societies

Citation: - 2024 SCC OnLine Kar 28083

Link: -<http://www.sconline.com/DocumentLink/6VD5v9JK>

Judgement: - <https://share.google/e6L7eTpTd9gmYOI8b>

Summary and Conclusion: -

Dr. B. V. Chandre Gowda & Others v. Registrar of Co-Operative Societies & Others (2024) involves a legal challenge to internal administrative decisions made by the management of the Indiranagar Club in Bengaluru.

The key elements of the dispute's background are:

1. The Parties Involved

Petitioners: A group of nine individuals, led by Dr. B. V. Chandre Gowda, who are likely members or stakeholders of the Indiranagar Club.

Respondents: The official regulators (Registrar and Deputy Registrar of Co-operative Societies) and the Indiranagar Club itself (Respondent No. 3), along with its Returning Officer and specific individuals (Respondents 5 to 8).

2. Nature of the Entity

The Indiranagar Club is identified as a society registered under the Karnataka Societies Registration Act, 1960. This is a critical distinction, as societies under this Act have different regulatory frameworks compared to those under the Co-operative Societies Act.

3. The Core Grievance (The Meeting of Feb 2021)

The petitioners approached the High Court seeking a Writ of Certiorari to challenge specific actions: -

Records Retrieval: They requested the Court to "Call for Records" related to an alleged meeting of the Managing Committee of the Indiranagar Club.

Challenged Decisions: They specifically challenged decisions made on February 10, 2021, by Respondents 5 through 8.

Illegal and Void Claim: The petitioners sought to have these decisions declared "Illegal and Null and Void." While the specific subject of the decisions (e.g., membership, elections, or financial resolutions) isn't detailed in the short order, it clearly pertained to the internal governance or management committee actions of the club.

4. Procedural History (2021–2024)

The writ petition was filed in 2021 (W.P. No. 5162 of 2021).

The case remained pending for three years until it came up for orders on July 16, 2024.

Upon reaching the hearing stage, the petitioners' counsel decided to withdraw the case from the High Court, opting instead to "urge all the contentions before the appropriate forum."

The High Court of Karnataka concluded the case of Dr. B. V. Chandre Gowda & Others v. Registrar of Co-Operative Societies & Others by dismissing the petition as withdrawn.

The key details of the conclusion are:

Voluntary Withdrawal: The counsel for the petitioners filed a formal memo seeking permission to withdraw the writ petition.

Liberty to Pursue Other Forums: The Court granted the withdrawal while reserving liberty for the petitioners to urge all their contentions and legal arguments before an "appropriate forum" (likely a specialized cooperative tribunal or registrar, rather than the High Court).

Final Status: Based on the memo, the Court officially ordered that the "petition is dismissed as withdrawn."