HC-KAR

NC: 2025:KHC-K:3075
WP No. 203596 of 2024

IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 16TH DAY OF JUNE, 2025

BEFORE

THE HON'BLE MR. JUSTICE M.I.ARUN

WRIT PETITION NO.203596 OF 2024 (S-RES)

BETWEEN:

SRI. VIVEKANAND S/O GIREPPA BIRADAR,
AGE: 47 YEARS, OCC: UNDER TERMINATION
SECRETARY/CEO,
PRATHAMIKA KRUSHI PATTINA
SAHAKARA SANGHA, LTD., NANDARGI,
TQ. INDI, DIST. VIJAYAPURA-586 209.
R/O ALANKUNTE NAGAR,
NEAR DCC BANK,
TQ. AND DIST. VIJAYAPURA-586 101.

...PETITIONER

(BY SRI. ARUNKUMAR AMARGUNDAPPA, ADVOCATE)

Digitally signed by VARSHA N RASALKAR
Location: HIGH COURT OF KARNATAKA

AND:

1. THE JOINT REGISTRAR OF
CO-OPERATIVE SOCIETIES,
BELAGAUM REGION, BELAGAVI,
DIST. BELAGAVI-590 001.

2. THE DEPUTY REGISTRAR OF
CO-OPERATIVE SOCIETIES,
VIJAYAPURA, DIST. VIJAYAPURA-586 101.

3. THE ASSISTANT REGISTRAR OF
CO-OPERATIVE SOCIETIES,
INDI SUB-DIVISION, INDI, TQ. INDI,
DIST. VIJAYAPURA-586 209.

4. THE PRESIDENT,
PRATHAMIKA KRUSHI PATTINA
SAHAKARA SANGHA, LTD.,
NANDARGI, TQ. INDI,
DIST. VIJAYAPURA-586 209.

5. PRATHAMIKA KRUSHI PATTINA
SAHAKARA SANGHA LTD.,
NANDARGI, TQ. INDI,
DIST. VIJAYAPURA-586 209.
BY ITS CHIEF EXECUTIVE OFFICER.

…RESPONDENTS

(BY SRI. GOPALKRISHNA B. YADAV, HCGP FOR R1 TO R3;
SRI. V. K. NAYAK, ADVOCATE FOR R4;
SRI. AMRESH S. ROJA, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) ISSUE A WRIT, ORDER OR DIRECTION IN NATURE OF CERTIORARI TO QUASH THE IMPUGNED PROCEEDINGS OF RESPONDENT NO.4 MANAGING COMMITTEE DATED 08.07.2022 VIDE ANNEXURE-F, WHERE UNDER DISMISSED THE PETITIONER FROM THE POST OF CEO OF RESPONDENT NO.5 SOCIETY, CONSEQUENTLY THE COMMUNICATION DATED 17.09.2022 ISSUED BY THE RESPONDENT NO.5 VIDE ANNEXURE-G; B) ISSUE A WRIT IN THE NATURE OF MANDAMUS DIRECTING THE RESPONDENT NO.4 AND 5 TO REINSTATE THE PETITIONER INTO SERVICE AS CEO OF RESPONDENT NO.5 SOCIETY INVIEW OF THE ORDER PASSED BY RESPONDENT NO.2 DATED 26.05.2023 AS PER ANNEXURE-C., SUBJECT TO OUTCOME OF PENDING APPEAL BEFORE THE 1ST RESPONDENT.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.I.ARUN

ORAL ORDER

(PER: HON'BLE MR. JUSTICE M.I.ARUN)

The petitioner was Chief Executive Officer of respondent No.5-Society. An enquiry was initiated regarding functioning of respondent No.5-Society under Section 64 of Karnataka Co-operative Societies Act, 1959 (hereinafter referred to as 'the Act' for short). Thereafter, an order has been passed under Section 68 of the Act. Pursuant to the said proceedings, respondent No.5 terminated the services of the petitioner herein. An order of initiation of enquiry against respondent No.5-Society under Section 64 and the subsequent order under Section 68 of the Act were challenged before respondent No.2 who found the same to be erroneous. The said order of respondent No.2 is challenged before respondent No.1 and the same is pending consideration. On the ground that the petitioner has been terminated from the post of Chief

Executive Officer of respondent No.5-Society, pursuant to the orders passed under Sections 64 and 68 of the Act and presently the said findings have been set aside by the order passed by respondent No.2, the present writ petition is filed with a prayer to reinstate the petitioner as Chief Executive Officer of respondent No.5-Society.

2. The proceedings under Section 64 of the Act pertains to an enquiry being initiated into functioning of the society and if enquiry finds certain defects in functioning of the society an order is passed under Section 68 of the Act, directing the society to correct the said defects.

3. Initiation of disciplinary proceedings against society pursuant to the defects found in functioning of the society is altogether different matter. The employee against whom a disciplinary proceedings is initiated can always raise dispute under Section 70 of the Act. In the instant case the petitioner has not raised dispute under

Section 70 of the Act. He has directly approached this Court. The dispute pertains whether any irregularity has been committed by the petitioner or not. It involves disputed questions of facts, which this Court cannot resolve in exercising under Articles 226 and 227 of the Constitution of India. Furthermore, the petitioner is having an alternative and efficacious remedy as aforesaid.

4. For the aforementioned reasons, the writ petition is hereby dismissed reserving liberty to the petitioner to raise a dispute under Section 70 of the Karnataka Co-operative Societies Act, 1959.

The time spent by the petitioner before this Court shall be taken into consideration for condoning the delay in raising the dispute under Section 70 of the of Karnataka Co-operative Societies Act, 1959, if any such application is made.

In view of disposal of the writ petition, I.A.No.1/2025 does not survive for consideration and the same is accordingly disposed of.

Sd/-
(M.I.ARUN)
JUDGE

VNR/SDU
List No.: 1 Sl No.: 13
CT:SI