

Allahabad District Cooperative ... vs Hanuman Dutt Tewari on 29 July, 1981

Equivalent citations: AIR1982SC120A, (1981)4SCC431

Bench: O. Chinnappa Reddy, A.P. Sen, Baharul Islam

JUDGMENT

1. The only question raised in this appeal is whether the suit "filed by the respondent for a declaration that the retrenchment of his services by the appellant Allahabad Distt. Co-op. Ltd., Allahabad, a co-operative society constituted under the Uttar Pradesh Co-operative Societies Act is (sic) barred by the provisions of Section 70 of the Act. According to, Mr. Pramod Swarup, learned Counsel for the appellant, the dispute relates to the business of the co-operative society arid, therefore; the. suit is barred by the provisions of Section 70.

2. The expression "business of the society" has been construed by several decisions of this Court. In Deccan Merchants Co-operative Bank Ltd. v. Dalichand Jugraj Jain it was pointed out "the word 'business' has been used in a narrower sense and it means the actual trading or commercial or' other similar business activity' of. the society which the society is authorised to enter into under the Act and the Rules and its bye-laws." In Co-operative Central. Bank Ltd. v. Additional Industrial Tribunal, Andhra Pradesh , it is said "but the meaning given to the expression 'touching the business of the society', in our opinion, makes it very doubtful whether a; dispute in respect of alteration of conditions of service can be held to be covered by this expression. Since the word 'business' is equated with the actual trading or commercial or other similar business activity of the society, and; since it has been held that it would be difficult to subscribe to the proposition that whatever the society does or is necessarily required to do for the. purpose of carrying out its objects, such as laying down the conditions of service of its employees, can be said to be a part of. its business, it would appear that a dispute relating' to conditions of service of the workmen employed by the society cannot be held to be a dispute touching the business of the society."

3. In view of the above pronouncements of this Court, we cannot accept the submission of Shri Pramod Swarup. The appeal is, therefore, dismissed with costs.