

Allahabad District Cooperative Limited

Vs

Hanuman Dutt Tewari

Civil Appeal No. 2219 of 1970

(O. Chinnappa Reddy, A. P. Sen Bhaichand Ratanshi JJ)

29.07.1981

JUDGMENT

1. The only question raised in this appeal is whether the suit filed by respondent for a declaration that the retrenchment of his service by the appellant Allahabad District Cooperative Limited, Allahabad, a cooperative society constituted under the Uttar Pradesh Cooperative Societies Act is 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 cooperative society and, therefore, the suit is barred by the provisions of Section 70.
2. The expression "business of the society" has been construed by the several decisions of this Court. In *Deccan Merchants Cooperative Bank Ltd. v. Dalichand Jugraj Jain* [(1969) 1 SCR 887 : AIR 1969 SC 1320 : (1970) 40 Com Cas 187] it was pointed out that "the word 'business' has been used in a narrower sense and it seems 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 *Cooperative Central Bank Ltd. v. Addl. Industrial Tribunal, A.P.* [(1970) 1 SCR 205 : (1969) 2 SCC 43], 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 alternation 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 and 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.

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