IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CWP No.11629 of 1995

Date of Decision:-17.07.2015

Madan Lal.

.....Petitioner.

Versus

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Joint Secretary Cooperation Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Kanwaljit Singh, Advocate for
Mr. M.S. Kang, Advocate for the Petitioner.

Ms. Monica Chhibber, DAG Punjab.

Mr. Harit Sharma, Advocate
for respondent nos.4 to 6 & 8 to 10.

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JASWANT SINGH, J.(ORAL)

The petitioner had worked as a Secretary of the Dehpur Agricultural Service Society-respondent no.3 during the period in the year 1980, who vide resolution dated 15.01.1988 referred the matter for arbitration under Section 55 & 56 of the Punjab Co-operative Societies Act, 1961 for effecting recoveries for an amount of Rs.60,256/- along with interest and costs. The Arbitrator vide award dated 6.10.1989 (**P-2**) exonerated the petitioner while ordering the recovery of the said amount b y way of a fresh arbitration against the remaining guilty members of the Managing Committee of respondent no.3 Society. The appeal filed by the said remaining members of the Managing Committee i.e. Respondent nos.4

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to 6 and 8 to 10 was allowed vide order dated 27.08.1993 (**P-3**) passed by the Deputy Registrar Co-operative Societies, Hoshiarpur whereby it was ordered that the amount of Rs.60,256.02/- be recovered from Sh. Madan Lal-petitioner by auction of his movable or immovable property, while setting aside the directions against the members of the Managing Committee. The petitioner then filed successive revisions which were dismissed vide order dated 3.6.1994 (**P-4**) and 9.3.1995 (**P-6**). Hence the petition challenging **P-3, P-4** and **P-6**.

Upon notice written statement was filed by private respondent nos.4 to 6 and 8 to 10.

The writ petition was admitted vide order dated 10.08.1995 while extending no stay qua recovery from the petitioner.

At the time of hearing today, it is conveyed that the said respondent no.3-Society had subsequently gone into liquidation and before the liquidator an amount of Rs.1,20,000/- stands deposited by the petitioner pursuant to the demand raised. It is also apparent from the impugned orders that no interest was ever awarded on the amount to be recovered. In the light of the fact that the amount of Rs.1,20,000/- has already been deposited, which is much more than the recovery amount of Rs.60,256.02/-, nothing more requires to be adjudicated in the present writ petition.

Dismissed.

(JASWANT SINGH)
JUDGE

July 17, 2015
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