

**IN THE COURT OF PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

-:-

**C.W.P. No. 14602 of 2015.
Date of Decision: 09.12.2015.**

Kamlesh

.....Petitioner

Versus

State of Haryana & Ors.

.....Respondents.

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.

Present:- Mr. Ramesh Sharma, Advocate, for the petitioner.

Mr. Rajesh Sheoran, Addl. A.G. Haryana.

Mr. Rajbir Singh Sihag, Advocate, for respondent No.3.

Mr. Surinder Lamba, Advocate, for respondents No. 5 and 6.

Mr. Sudhir Ahlawat, Advocate, for respondent No.8.

Rakesh Kumar Jain, J

The petitioner has challenged the order dated 16.07.2015, cancelling the candidature of the petitioner and declaring the election of respondent No.5. In brief, election of Zone-3 of the Central Cooperative Bank Limited, Hisar was declared in which Returning Officer was appointed on 23.06.2015. The petitioner was one of the candidate, who also filed her nominations paper on 14.07.2015 and was given election symbol on 16.07.2015 meaning thereby her nomination paper was in order.

However, on 16.07.2015, the Returning Officer, Deputy

Registrar, Cooperative Societies, Hisar wrote a letter to the Chief Executive Officer (Election Manager), the Hisar Central Cooperative Bank Limited, Hissar, for display of revised/amended list of contesting candidates because Assistant Registrar Cooperative Society Hisar, vide order dated 4540-44/RKI/ARH/15 had removed Shabnam wife of Ashok Kumar and Kamlesh (petitioner) wife of Mahabir from the primary membership of their concerned cooperative society.

Learned counsel for the petitioner has vehemently argued that since the elected candidate/respondent No.6 is the wife of respondent No.5, therefore, primary membership of the petitioner has been terminated just before the election.

On the other hand learned counsel for the respondents have argued that the order passed by the Assistant Registrar, Hissar Central Cooperative Bank Hissar, on 16.07.2015 is a speaking order. In case the petitioner was aggrieved against that order she could have challenged that order along with an application for stay, but no such application was moved and therefore, the said order is still in operation and cannot be ignored.

I have gone through the facts and circumstances of the case with the assistance of both the sides. There is no dispute that the petitioner was one of the candidates for election from Zone-3 and a symbol was allotted to her, but subsequently, on the same day Assistant Registrar passed a detailed order, terminating the primary membership of the petitioner along with Shabnam wife of Ashok Kumar. Therefore, once the petitioner was no more a member of a society, she had no right to contest the election from

Zone-3. Moreover, the petitioner has not challenged the order dated 16.07.2015 passed by Assistant Registrar, even if the said order has been illegally passed because the said order is still in operation. The petitioner is at liberty to file an appeal along with an application for condonation of delay and in case such an application is filed, the same shall be considered sympathetically by the appellate authority, but I do not find any merit in the present writ petition and the same is hereby dismissed.

December 09, 2015
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(RAKESH KUMAR JAIN)
JUDGE