

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 3148 of 2012

Date of Decision: 23.1.2015

Dr. Om Parkash Chhikara

... Petitioner(s)

Versus

Financial Commissioner & Principal Secretary to Government of
Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Rajan Gupta.

Present: Mr. Surender Singh Dalal, Advocate
for the petitioner(s).

Mr. Saurabh Mohunta, Deputy Advocate
General, Haryana for respondents No. 1 to 4.

Rajan Gupta, J.

Petitioner is aggrieved by order (Annexure P8) passed by the Financial Commissioner, Haryana wherein it has been held that Assistant Registrar, Cooperative Societies was not competent to decide the issue under Sections 102 & 103 of the Haryana Cooperative Societies Act, 1984 (hereinafter referred to as "the Act").

Counsel for the petitioner has placed reliance upon a Full Bench decision of this court reported as ***Mam Raj v. State of Haryana and Others AIR 1982 Punjab and Haryana 211*** to contend that matter squarely falls within the ambit of the authority under the Act and thus, there was no impediment in deciding the same. He prays that order passed by the Financial Commissioner be set aside and matter be remitted to the same authority for decision afresh after hearing the parties.

Ratio of the judgment rendered in ***Mam Raj's case*** (*supra*) is not disputed by learned State counsel.

In view of above, order dated 11.8.2011 (Annexure P8) passed by Financial Commissioner, Haryana is hereby set aside and matter is remitted to the same authority for decision afresh after hearing the parties.

Allowed in above terms.

(Rajan Gupta)
Judge

January 23, 2015

“DK”