

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

C.W.P. No. 4007 of 2012 (O&M)
Date of decision: January 20, 2015

Jai Gopal Verma

... Petitioner

Versus

Advisor to the Administrator, U.T., Chandigarh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. R.S. Longia, Advocate,
for the petitioner.

Mr. Rakesh Sobti, Advocate,
for respondent nos. 1 to 3.

Mr. H.S. Hundal, Advocate,
for respondent no.4.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for setting aside of impugned award dated 14.09.2007 (Annexure P/8) passed by respondent No.3 – Arbitrator-cum-Inspector (Audit) Grade-I, Cooperative Societies, Union Territory, Chandigarh, order dated 07.02.2011 (Annexure P/12) passed by respondent no.2 – Joint Registrar, Cooperative Societies, U.T., Chandigarh and order dated 30.11.2011

(Annexure P/13) passed by respondent No.1 – Adviser to the Administrator, U.T., Chandigarh.

Brief facts of the case are that respondent no.4 – Akhil Bhartiya Bank Employees Cooperative USETC Society Ltd., Chandigarh (hereinafter referred to as the 'Society') is a Cooperative Society registered under the provisions of the Punjab Cooperative Societies Act, 1961, as applicable to the Union Territory of Chandigarh (hereinafter referred to as the "Act") and is receiving credits and advancing short term loans to its members. Its membership and guarantorship is limited to its members only. Respondent No.5 – P.S. Malhotra while working in SBI Region-III, Haryana, Sector -8, Chandigarh, in 1988 was shown to have become member of the society on 11.06.1988 and submitted an application for a long term loan of Rs.26,000/-. The long term loan agreement was executed on 30.05.1988 (Annexure P/1). Other facts of the case need not be mentioned as the only issue needs to be decided at this stage is "whether the revision petition is maintainable before the Adviser to the Administrator, which has been dismissed as not maintainable".

In this case, appeal was filed under the statutory provisions against the order dated 14.09.2007 passed by the Arbitrator.

Learned counsel for the respondents agree that in view of Full Bench judgment of this Court in *Jasbir Singh and others vs. Commissioner (Appeals), Jalandhar Division and others, 2011 (4) RCR*

(Civil) 1, revision petition is maintainable.

In view of above, order dated 30.11.2011 (Annexure P/13) is set aside and case is remanded to the Adviser to the Administrator to decide revision petition afresh on merits, preferably within a period of three months from the date of receipt of certified copy of this order. The parties through their counsel are directed to appear before the Adviser to the Administrator on 24.02.2015.

Disposed of in the above terms.

January 20, 2015

vk d

[Paramjeet Singh]

Judge