

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Letters Patent Appeal No.205 of 2009 (O&M)
DATE OF DECISION: 05.01.2015

The Bareh Cooperative Agricultural Co-operative Society Ltd.
....Appellant
versus

State of Punjab and others
.....Respondents

CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Ms. Jagdeep Bains, Advocate for the appellant
Mr. L.S. Sidhu, Advocate for respondent No.4
..

S.J. VAZIFDAR, ACTING CHIEF JUSTICE (Oral) :

This is an appeal against the judgment and order of the learned single Judge dated 2.12.2008 disposing of the appellant's writ petition which was filed against the order of the Labour Court.

2. Respondent No.4 was dismissed from service by the appellant with effect from 15.6.1981. Respondent No.4 challenged the same before the Labour Court. The Labour Court held respondent No.4 to be entitled to reinstatement with continuity of service, but did not grant him back-wages. Learned single Judge directed the appellant to pay respondent No.4 a sum of Rs.3 lacs instead of and in place of the Labour Court's order directing respondent No.4 to be reinstated. The learned single Judge also granted interest @ 9% per annum from the date of the order and judgment till payment.

3. The only point raised before us is that the appellant is entitled to set off the amounts due to it under an Award dated 11.10.1982 passed by the Arbitrator in the proceedings filed by the appellant under Sections 55 and 56 of the Punjab Co-operative Societies Act, 1961. The Arbitrator directed respondent No.4 inter alia to refund certain amounts towards principal and interest. Respondent No.4 challenged this Award before the Assistant Registrar, Co-operative Societies, Mansa, who by an order and judgment dated 7.2.1983 dismissed the appeal and maintained the said Award dated 11.10.1982. The appellant states that it ought to be permitted to set off the amounts under the said Award against the amounts directed to be paid by the learned single Judge by the impugned order and judgment.

4. Learned counsel appearing on behalf of respondent No.4 stated that respondent No.4 has no objection to the same.

5. The appeal is, therefore, disposed of by directing that the appellant shall be entitled to adjust and/or set off the amounts due under the said Award dated 11.10.1982 against the amounts due to respondent No.4 under the impugned order and judgment.

6. There shall be no orders as to costs.

(S. J. VAZIFDAR)
ACTING CHIEF JUSTICE

05.01.2015
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(AUGUSTINE GEORGE MASIH)
JUDGE