

CWP-21658-2015

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

CWP-21658-2015

Date of Decision: 09.10.2015

Satpal Singh

... Petitioner(s)

Versus

Special Secretary, Department of Cooperation and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr.H.S.Bedi, Advocate,
for the petitioner.

Paramjeet Singh, J.

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for setting aside the order dated 23.09.2014 (Annexure P-17) passed by respondent No.1-Special Secretary, Cooperation, Punjab and orders dated 11.04.2012 (Annexures P-12 to P-16) passed by respondent No.2-Joint Registrar, Cooperative Societies, Ferozepur and orders dated 18.02.2015 (Annexures P-7 to P-11) passed by respondent No.3-Assistant Registrar, Cooperative Societies, Jalalabad and orders dated 07.04.2014 (Annexures P-2 to P-6) passed by Sh. Jaswant Singh, Arbitrator, Inspector, Cooperative Societies, Ladhu Wala

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Uttar whereby liability of the petitioner has been fixed illegally and arbitrarily.

Brief facts of the case are to the effect that the petitioner was working as Secretary in the Basti Jhandu Wala Cooperative Agriculture Service Society Ltd., Jhandu Wala, Tehsil Jalalabad, District Ferozepur (for short, 'the Society') and was rendering service with honesty and sincerity. The Society was having the petitioner as Secretary and Sh. Hardeep Singh as Salesman and as such, vide resolution dated 25.06.2002, the managing committee of the Society specified the duties of the salesman. As per the resolution, Sh. Hardeep Singh was given the duty of fertilizer and, therefore, he was to get the fertilizer and distribute the same to the members of the Society. In this transaction, it was the duty of the Salesman to take cheques from the member and deliver the fertilizer to them. Further, the Salesman was then to enter the said cheque in sale register and after preparing Annexure-II to deposit the cheques with the Bank. As such, there is no role of the Secretary in the said transaction. Reference to resolution dated 25.06.2002 (Annexure P-1) whereby duties of Salesman were fixed by the Society, has been made. A dispute arose with regard to the 'B' component loan advanced to respondent Nos.6 to 10. As they were not returning the said loan and as such, the Society prepared five arbitration cases for the principal amount of ₹21,988/- alongwith costs of ₹250/-, total amounting to ₹22,238/-, each of different loanees i.e. Respondent Nos.6 to 10 which was sent to

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respondent No.3-Assistant Registrar Cooperative Society, Jalalabad who referred the same under Section 56 of the Punjab Cooperative Societies Act, 1961 (for short, 'the 1961 Act') to respondent No.4-Jaswant Singh, Inspector, Cooperative Societies, Ladhu Wala Uttar as Arbitrator. The arbitrator after giving opportunity of hearing to all the concerned parties and recording the evidence came to the conclusion that the loanee Sh. Kahan Singh should pay an amount of ₹1988/- as per the entry in the counter foil and from the rest of the amount of ₹20,000/-, Sh. Satpal Singh, Secretary, the present petitioner should pay ₹11,000/- as he has the overall responsibility and respondent No.11-Smt. Veerpal Kaur, being legal heir of Hardep Singh Salesman should pay an amount of ₹9000/-. Copies of the awards dated 07.04.2004 passed by the Inspector are attached herewith as Annexures P-2 to P-6. Being dissatisfied, the petitioner filed five different appeals under Section 68 of the 1961 Act before respondent No.3-Assistant Registrar, Cooperative Societies, Jalalabad which were dismissed vide impugned order dated 18.02.2005 (Annexures P-7 to P-11). Being dissatisfied, the petitioner filed five revision petitions before respondent No.2-Joint Registrar Cooperative Societies, Ferozepur which were dismissed vide impugned order dated 11.04.2012 (Annexures P-12 to P-16). The petitioner still aggrieved against the wrong decisions rendered by the authorities, filed five revisions before respondent No.1-Special Secretary, Cooperation, Punjab under Section 69 of the 1961 Act which have been dismissed vide

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impugned order dated 25.09.2015 (Annexure P-17). Hence, this writ petition.

I have heard counsel for the petitioner and perused the record.

Admittedly, the Arbitrator has passed the awards dated 07.04.2004 (Annexures P-2 to P-6) after perusing the record and affording adequate opportunity of hearing and came to the conclusion that petitioner-Satpal Singh, Secretary, Hardeep Singh-Salesman, and some of the members of the Society had committed a fraud in connivance with each other. There is a concurrent finding of fact against the petitioner that the amount in cheques and counter-foils are different and there is insertion of figure and words and amount mentioned on the original counterfoil of cheque No.109919 is ₹1,988 whereas cheque No.109919 shows the amount as ₹21,988/-. Resultantly, the members of the Society have been defrauded by the petitioner-Secretary, Salesman and others. There is also concurrent finding against the petitioner-Secretary, salesman and respondent Nos.6 to 10, who have been burdened with the amount as per their responsibility.

Otherwise also, the petitioner has jumbled five arbitration awards by filing common writ petition. Such a writ petition is not maintainable because every award was independent and the petitioner was an independent party in every award. Similarly, he was party in appeal, revision etc. and the petitioner could only challenge the awards

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independently. The petition is liable to be dismissed only on the technical ground but also on the basis of concurrent findings recorded by the authorities regarding fraud played by the petitioner in collusion with Hardeep Singh, Salesman and others.

This Court cannot interfere on merits with determinations made by any authority invested with statutory powers.

Resultantly, the petition is dismissed in limine.

09.10.2015
parveen kumar

(Paramjeet Singh)
Judge