

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.14381 of 1999(O&M)

Date of decision:28.9.2016

Amarjeet Singh

... Petitioner

Versus

The Registrar Cooperative Societies, Haryana & ors. ... Respondents

**CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA**

Present: Mr. Maharaj Kumar, Advocate,  
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

Mr. B.B. Sharma, Advocate,  
for respondents No.2 & 3.

**RAJIV NARAIN RAINA, J.(Oral)**

I cannot see my way to distinguish in principle the judgment of the Division Bench of this Court in CWP No.19230 of 1997, Ved Parkash & ors. v. the Registrar Cooperative Societies, Haryana delivered on November 16, 1999 and would thus dismiss this petition as covered by the ruling.

The moot issue decided by the Court was whether the petitioners being employees of the Bansa Cooperative Credit and Service Society Ltd. and similarly placed as the petitioners in *Ved Parkash* can claim pay scales available to counterpart employees of the Haryana Government and it was held that they cannot claim the benefit as a matter of right. They are not by long shot classifiable as Government servants being members of a cooperative society simpliciter registered under the provisions of the Haryana Cooperative Societies Act, 1984 like all such societies are.

That apart, a writ petition is not maintainable against a cooperative society over which the State does not exercise any deep and

pervasive control of its functioning and with no controlling financial assistance from the State exchequer.

The respondent-Bansa Cooperative Society does not qualify as 'State' within the meaning of Article 12 of the Constitution of India neither is it by any chance an instrumentality of the State or 'other authority' within the meaning of Article 226 of the Constitution and for both these reasons, I would refuse to grant the relief claimed and would not interfere merely because there is a regulatory law in the Haryana Cooperative Societies Act, 1984 which would not alter the character of the 3<sup>rd</sup> respondent-society. On this issue, a reference may be had to the Supreme Court judgment in General Manager Kisan Sahkari Chini Mills Ltd., Sultanpur v. Satrughan Nishad & ors., (2003) 8, SCC 639.

The petition neither has merit as against the employees of the Haryana Government nor is the petition maintainable against the contesting respondent and is thus dismissed on both the grounds. Relief is not available in writ jurisdiction and thus the petitioners have to look elsewhere.

(RAJIV NARAIN RAINA)  
JUDGE

28.09.2016  
monika

*Whether speaking/reasoned*                      *Yes*

*Whether reportable*                              *No*