

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.4712 of 1997

Date of Decision: 27.04.2016

Mrs. Surinder Kaur

... Petitioner

Versus

The Patiala Central Cooperative Bank Ltd.

... Respondent

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

Present: Mr. D.V. Sharma, Sr. Advocate,
with Ms. Shivani Sharma, Advocate,
for the petitioner.

Mr. S.S. Mattewal, Advocate,
for the respondent.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.

1. Having heard Mr. D.V. Sharma, learned Senior counsel and Mr. Mattewal, learned counsel for the respective parties and on being confronted with 19 arbitration cases passed against a dead person (husband of the petitioner) by which Mr. Sharma says, the liability has been saddled in halves between the Secretary of the Society and the respondent Bank. The Bank in turn had the freedom to pass on to the liability on its erring officers only who may have breached instructions after establishing guilt through due process of departmental enquiry.

2. Without going into the conduct of the husband of the petitioner and the references then pending under section 55/56 of the Punjab Cooperative Societies Act, 1961 which were decided on September 24,

1996 and January 28, 1997 etc and looking to the fact that there has been a material alteration in the position a revisit by the competent authority is clearly warranted.

3. In view of this position neither parties dispute that the case demands a remand to the respondent-Bank to pass a fresh order determining the liabilities of the husband of the petitioner and others who may have been involved. The petition is accepted and the case is remanded to re-examine the case. In remand proceedings, the Bank is expected to opine on whether awards can be passed against a dead person and their effect when passed and consequently what liabilities are inherited by the petitioner from the estate of the deceased, even in case she loses. It may be recorded that Court has not expressed any opinion on the merits of the case and the order has been passed without prejudice to the rights of the parties. Since the matter is an old one relating to incidents over 20 years ago it is expected that the remand proceedings will be concluded as expeditiously as possible and preferably within four months from the date of receipt of certified copy of this order.

(RAJIV NARAIN RAINA)
JUDGE

27.04.2016
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