

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP No.11094 of 2015  
*Date of Decision: 27.09.2016*

***SUCHA SINGH***

***... Petitioner***

VS.

***STATE OF PUNJAB AND OTHERS.***

***..Respondents***

**CORAM: HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Mr. Rajinder Sharma, Advocate,  
for the petitioner.

Mr. Parupkar Singh Ghuman, Addl. A.G., Punjab.

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**KULDIP SINGH, J. (Oral)**

Brief facts of this case are that the petitioner retired as Manager from the office of respondent No.3 i.e. Dera Baba Nanak, Cooperative Marketing cum Processing Society Ltd. on 28.02.2011. Initially, he was appointed as Clerk-cum-Salesman in the year 1976. It is stated that respondent No.3 society was not in good financial condition and the matter regarding the merger of respondent No. 3 is pending with respondent No. 2. In the audit report dated 31.03.2014, it is found that the salary of the tune of ₹13,93,497.77 as the pay of the petitioner is pending. The prayer of the petitioner is for release of the arrears of pay and retiral benefits alongwith interest. Further prayer of the petitioner in the present writ petition is for amalgamating the respondent No. 3 Society with any other Co-operative Society under Section 13 (8) of the Punjab Cooperative Societies Act, 1961.

So far as the prayer for amalgamation is concerned, this Court does not feel it appropriate to pass any order in that regard. For that purpose

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the petitioner can always file appropriate representation to the Registrar, Co-operative Societies and it is for him to examine the prayer and decide the matter keeping in view the facts of the case and as per the law. Therefore, the prayer for amalgamation of respondent No. 3 Society with any other Co-operative Society, is hereby declined.

So far as the arrears of pay and retiral benefits are concerned, it comes out from the audit report itself revealed that salary to the tune of ₹13,93,497.77 is payable to the petitioner. Therefore, he is entitled for the same.

Let the respondent No. 3 society release all the benefits to the petitioner within three months from the date of receipt of the copy of this order. In case the respondent No. 3 fails to release the benefits, the present judgement shall deemed to be a decree of civil Court and can be executed by the competent Court having jurisdiction over Dera Baba Nanak, Cooperative-cum-Processing Society Ltd.

In view of the above noted observations, the present petition is partly allowed.

September 27, 2016  
Suresh Kumar

[ KULDIP SINGH]  
JUDGE

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|------------------------------------|------------|-----------|
|                                    | ✓          |           |
| <b>Whether speaking / reasoned</b> | <b>Yes</b> | <b>No</b> |
|                                    |            | ✓         |
| <b>Whether Reportable</b>          | <b>Yes</b> | <b>No</b> |