

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

**CWP No.26512 of 2016
Date of decision: 21.12.2016**

Punjab State Co-operative Supply and Marketing Federation Limited

... Petitioner

Vs.

Additional Registrar (I), Cooperative Societies, Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Mehardeep Singh, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J.

Feeling aggrieved against the impugned order dated 02.06.2016 (Annexure P-8) passed by Special Secretary, Cooperation, Punjab, whereby order dated 27.12.2011 (Annexure P-2) passed by Deputy Registrar, Cooperative Societies, Gurdaspur, order dated 10.06.2013 passed by Joint Registrar, Cooperative Societies, Jalandhar and order dated 10.12.2013 passed by Additional Registrar (I), Cooperative Societies, Punjab, were upheld and the revision petition filed by the petitioner was dismissed, finding no force in the arbitration case set up by the petitioner against respondents No.4 and 5, petitioner has approached this Court by way of present writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of

certiorari, for quashing the impugned orders.

Heard learned counsel for the petitioner.

Facts are hardly in dispute. Alleging some irregularities against respondents No.4 and 5, who were none else but the officers/officials of the petitioner-Society itself, an arbitration case was prepared against them. It goes without saying that the case was initiated by the petitioner itself under Section 55/56 of the Punjab Cooperative Societies Act, 1961 and statutory rules made thereunder. Arbitration petition filed by the petitioner was dealt with by the Deputy Registrar, Cooperative Societies, Gurdaspur. After detailed deliberations and granting opportunity of being heard to both the parties for putting up their best case, learned Deputy Registrar came to the conclusion that the arbitration case prepared by the petitioner against respondents No.4 and 5 was totally baseless. Accordingly, the arbitration petition filed by the petitioner was rejected by the learned Deputy Registrar vide his self-contained order dated 27.12.2011 (Annexure P-2). Petitioner filed its appeal vide Annexure P-4, which came to be dismissed by learned Additional Registrar (I), Cooperative Societies, Jalandhar vide detailed order dated 10.12.2013 (Annexure P-7). Petitioner filed its revision petition, which was also dismissed by learned appellate authority vide impugned order dated 02.06.2016 (Annexure P-8). Hence the present writ petition.

A bare combined reading of all the impugned orders would show that respondents No.1 to 3 have considered and reconsidered the matter in detail at every stage of the litigation. Impugned orders were passed after due consideration of the matter and granting opportunity of being heard to both the parties. It is neither pleaded nor argued case on behalf of the petitioner that it was

not granted due opportunity by any of the respondent authorities. Petitioner, as a matter of fact, failed to substantiate its allegation against respondents No.4 and 5, while referring to any relevant material. Since all the respondent authorities have been found well within their jurisdiction for passing their respective impugned orders, the same deserve to be upheld.

During the course of hearing, when confronted with the fact, whether any departmental action was initiated against respondents No.4 and 5 by the petitioner, learned counsel for the petitioner had no answer and rightly so, it being a matter of record. Had there been any substance in the case of the petitioner, it was the first thing to do by the petitioner to initiate appropriate departmental inquiry against respondents No.4 and 5. However, nothing was done in this regard, for the reasons best known to the petitioner and in the meantime, respondents No.4 and 5 stood retired. In fact, since the petitioner itself has conducted the present case in a most casual manner, learned counsel for the petitioner could not advance the case of the petitioner, despite making his best efforts. Since none of the impugned orders have been found suffering from any patent illegality or perversity, the same deserve to be upheld, for this reason also.

Further, no prejudice, of any kind whatsoever, has been shown, which might have been caused to the petitioner by passing the impugned orders, warranting interference at the hands of this Court, while exercising its writ jurisdiction under Articles 226/227 of the Constitution of India.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered

view that since the impugned orders passed by all the respondent authorities have not been found suffering from any illegality, the same deserve to be upheld. The writ petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, present writ petition stands dismissed, however, with no order as to costs.

21.12.2016
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[RAMESHWAR SINGH MALIK]
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No