

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 2861 of 2016 (O&M)
Date of decision: 16.2.2016

Army Welfare Housing Cooperative & Maintenance Society
.. Petitioner

v.

Secretary Cooperation and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Sanjiv Ghai, Advocate for the petitioner.

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Rajesh Bindal J.

The present petition has been filed impugning the orders dated 9.12.2015 and 6.1.2016, passed by Additional Registrar, Cooperative Societies, U.T., Chandigarh (respondent No. 3).

In the case in hand, vide communication dated 9.12.2015, respondent No. 3 directed Chandigarh State Cooperative Bank Ltd., where the petitioner was maintaining an account, to stop the operation thereof. The petitioner preferred appeal before the Secretary Cooperation, U.T., Chandigarh, which was decided. The petitioner was directed to appear before respondent No. 3 on 4.1.2016, who was to hear the petitioner and decide the matter. Thereafter, respondent No. 3 heard the petitioner on interim relief and directed release of certain payments from the freezed bank account and finally after hearing the affected persons, passed order dated 6.1.2016. The same has been impugned in the present petition.

The contention raised by learned counsel for the petitioner is that the Secretary Cooperation, U.T., Chandigarh should not have given power to decide the appeal to the authority, the order of which was impugned before it.

The contention is totally misconceived. The order (Annexure P2) may not be happily worded but the tone and tenor thereof shows that the communication (Annexure P-1), which was impugned before the Secretary Cooperation, U.T., Chandigarh was without hearing the petitioner. A perusal of the order shows that the matter was remitted back. Thereafter, respondent No. 3 heard the affected persons and decided the matter afresh vide impugned order dated 6.1.2016. It is not in dispute that the order passed thereafter is appealable.

As against the impugned order (Annexure P-3), statutory appeal is maintainable before the Secretary Cooperation, U.T., Chandigarh, the present petition is disposed of with liberty to the petitioner to avail of its appropriate remedy.

(Rajesh Bindal)
Judge

16.2.2016
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