

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

CWP No.20125 of 2013
Date of decision : 09.02.2017

Mohan Singh Malhi

...Petitioner

Versus

Additional Registrar Cooperative Societies (Admn.) Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. M.S. Kang, Advocate for the petitioner.

Mr. P.S. Bajwa, Addl. A.G. Punjab.

Mr. Harit Sharma, Advocate for the respondent.

AMIT RAWAL, J. (Oral)

The petitioner is aggrieved of the order dated 24.05.2013 (Annexure P-5), whereby revision petition filed under Section 69 of the Punjab Cooperative Societies Act, 1961 against the award dated 17.02.2009 and the appellate order dated 03.09.2010, has been dismissed.

Mr. M.S. Kang, learned counsel appearing on behalf of petitioner submits that following multifold arguments were taken but the authority enjoined upon obligation to deal with all the arguments, failed to assign any reasons.

He submits that aforementioned arguments has been reflected at page no.32 of the paper book which in my view are liable to be summarized hereinbelow:-

1. The Bank is stated to have not passed any resolution.

2. As per Rule 55 of 1963 Rules, the Arbitrator did not record the statement of the witnesses, in essence, claimant did not examine any witnesses nor the witnesses who had filed the affidavit, produced for cross-examination.
3. The factum of not passing of resolution was not denied.

He submits that the certain case law was also raised, thus, impugned order is liable to be set aside.

Mr. Harit Sharma, learned counsel appearing on behalf of respondent submits that petitioner never challenged the audit report, in which it was found that he had embezzled the sum of ₹78,000/- by wrongly debiting and crediting the account of two account holders of the bank and also withdrew ₹51,000/- from the account of woman who was living abroad. All these factors regarding the embezzlement have attained finality. This was an attempt to recover the amount, therefore, equity does not lie in favour of the petitioner. Thus, order is perfectly, legal and justified.

I have heard learned counsel for the parties and appraised the paper book and of the view that order impugned does not surpass the test of reasonableness. For the sake of brevity, same reads thus:-

“As per above, it becomes clear after examining arguments advanced by the parties and documents that petitioner Mohan Singh Malhi Branch Manager, exercising his powers illegally for his personal benefit, has embezzled funds of the bank to the tune of Rs.129000/- (One lac twenty nine thousand). Therefore, upholding the decision of Deputy Registrar Cooperative Societies Hoshiarpur dated 3.9.2010 this revision petition is dismissed. Decision of this case was reserved on 12.4.2013 which has been written to

day on 25.5.2013. Concerned parties be informed and file be sent to record room.

Dated: 24.5.2013

(Inserjit Singh Sandhu)

I.A.S.

Addl. Registrar (Admn)

Coop. Soc., Punjab, Chandigarh”

Quasi judicial authorities are obliged to render decision in most pragmatic and reasonable manner. Once provision of Act provides the availability of remedy, same should not be taken in the manner and mode indicated above. Points raised and noticed above have not been even dealt with as no reasons have been assigned regarding relevancy.

Resultantly, order 24.05.2013 (Annexure P-5) is set aside.

Matter is remitted back to the Registrar Administrative Cooperative Societies, Punjab, Chandigarh to decide the petition titled as Mohan Singh Malhi Vs. The Deputy Registrar Cooperative Societies, Hoshiarpur and others, afresh as expeditiously as possible by passing a detailed and speaking order after affording opportunities to the parties.

Let this exercise be done within a period of five months from the date of receipt of certified copy of the order.

Parties through their counsel are directed to appear before the Registrar Administrative Cooperative Societies, Punjab, Chandigarh on 03.03.2017.

Petition stands disposed of.

09.02.2017

pawan

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No