

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

**C.W.P. No.14927 of 2017
Date of Decision:13.07.2017**

Ravinder Pal Singh Petitioner

Vs.

State of Punjab and others Respondents

CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

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

Rakesh Kumar Jain, J. (Oral)

This petition is filed in order to challenge the order dated 21.06.2017 passed by the Assistant Registrar, Co-operative Societies, Hoshiarpur exercising the powers of Registrar and order dated 29.06.2017 passed by the Special Secretary, Co-operation, Punjab, by which revision petition filed by the petitioner under Section 69 of the Punjab Co-operative Societies Act, 1961 (for short, 'the Act') has been dismissed on the ground that the order passed by the Assistant Registrar is appealable under Section 68 of the Act before the Deputy Registrar.

Counsel for the petitioner has submitted that the order dated 21.06.2017 has been passed by the Assistant Registrar on the letter of the Deputy Registrar, Co-operative Societies, Hoshiarpur dated 19.06.2017 as per which, in inquiry, it has been proved that the petitioner, after becoming President of the Society, started the business of selling Agro Chemical (Crop Medicines) after obtaining licence in the name of Masters Trading Company, Hoshiarpur under the Fertilizers (Control) Order, 1985. The Assistant Registrar, exercising his powers under Section 27 of the Act, put

the petitioner under suspension in terms of Section 27(2) of the Act. It is submitted that since the order was passed by the Assistant Registrar on the direction of the Deputy Registrar, therefore, the appeal to Deputy Registrar in terms of Section 68(2) of the Act was a exercise in futility. Hence, the petitioner filed a revision petitioner under Section 69 before the Government which has been dismissed only on the ground that the petitioner should have filed the appeal.

Counsel for the petitioner has submitted that the petitioner could not have been put under suspension under Section 27(2) of the Act without resorting to the provisions of Section 27(1) of the Act which mandates the issuance of a show cause notice before taking the extreme step of putting under suspension of an elected person.

I have heard learned counsel for the petitioner and after examining the record, am of the considered opinion that there is fallacy in approach of the Special Secretary in dismissing the revision petition of the petitioner because the petitioner had no remedy of appeal as the order has been passed by the Assistant Registrar though exercising the powers of the Registrar, Co-operative Societies but still the said order would be the order passed by the Assistant Registrar in view of Section 3(5) of the Act. Thus, the said order passed by him was not amenable to appeal under Section 68 (2) of the Act before the Deputy Registrar, Co-operative Societies because the impugned order dated 21.06.2017 was passed by the Assistant Registrar on the letter of the Deputy Registrar as there was no occasion for the petitioner to go before the same authority in appeal who had already made up its mind to put the petitioner under suspension. Therefore, the petitioner

has chosen to invoke the powers of Government but the said powers were not exercised only on the ground that the petitioner has a remedy of appeal. The said approach is totally incorrect because the petitioner cannot be left without remedy and the revisional powers are exercised even suo-motu by the government by calling record of the case to find out the legality and propriety of the order passed by the authorities under the Act. Thus, in my considered opinion, the order dated 29.06.2017 is unsustainable and the same is hereby set aside and the matter is remanded back to the Special Secretary, Co-operation, Punjab to entertain the revision petition and decide the same on merits after giving a opportunity of hearing to the petitioner or his counsel in accordance with law and to pass the necessary orders as early as possible preferably within a period of one month from the date of appearance of the petitioner. The petitioner is directed to appear before the Special Secretary, Co-operation, Punjab on 20.07.2017.

Copy of the order be given dasti on payment of usual charges.

July 13, 2017
renu

(RAKESH KUMAR JAIN)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No