

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

CWP No.24192 of 2013
Date of decision : 25.05.2017

The Jhandu Ke Multi Purpose Cooperative Agricultural Service Society Ltd.

...Petitioner

Versus

Additional Secretary/Special Secretary Cooperation Punjab Chandigarh and
others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. I.S. Brar, Advocate for the petitioner.

Mr. Yatinder Sharma, Addl. A.G. Punjab.

Mr. R.K. Sharma, Advocate for respondent No.5.

Mr. Harbans Sharma, Advocate for respondent No.6.

AMIT RAWAL, J. (Oral)

The prayer in the present writ petition is for quashing of the order dated 13.08.2013 (Annexure P-11) passed by Special Secretary Cooperative Punjab Chandigarh (respondent No.1) being illegal, erroneous and against the provisions of law.

There is dispute with regard to the payment of salary to Sukhdev Singh who had been shuttling between two societies i.e. The Ram Niwas Multi Purpose Cooperative Agricultural Service Society Ltd. and the petitioner. However, according to Mr. Brar, dispute with regard to the

payment of salary is spanning over a period of 6 months i.e. w.e.f. 15.06.2011 to 17.12.2011.

No doubt, the Deputy Registrar vide order dated 05.07.2011 set aside the transfer order but vide order dated 29.05.2012 (Annexure P-9), direction was given to Ram Niwas Society to pay the salary and other allowances to Sukhdev Singh-respondent No.6. An application for clarification moved by Amarjit Singh who had, in pursuance to the joint resolution dated 17.12.2011 passed by both the societies was ordered to be transferred to Jhandu Ke Multi Purpose Cooperative Agricultural Service Society Ltd. and as a result, thereof, liability of payment of dues of Sukhdev Singh-respondent No.6 represented by Mr. Harbans Sharma, Advocate was fastened upon the Jhandu Ke Multi Purpose Cooperative Agricultural Service Society Ltd. i.e. petitioner.

I am of the view that most effected and sufferer person amongst the fight between the aforementioned two societies is Sukhdev Singh. He has been made to shuttle and deprived of the dues. Though order under challenge required element of interest, in order to prevent further litigation and remitting the matter to Special Secretary Cooperative Punjab Chandigarh (respondent No.1), as according to Mr. Brar, the order under challenge dated 13.08.2013 (Annexure P-11) had been passed at their back, owing to the intricacy of the matter by invoking Section 89 of CPC, I deem it appropriate that salary of six months shall be apportioned by both the societies in the ratio of 50-50.

Let this payment be made to Sukhdev Singh-respondent No.6 within a period of one month from the date of receipt of certified copy of the

order.

If salary is not paid to Sukhdev Singh-respondent No.6, it shall entail the element of interest of 9% p.a.

With the aforementioned observations, present writ petition stands disposed of.

25.05.2017

Pawan

**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No