

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

Date of decision: 06.02.2017

1. CWP-21592-2016

The Kapurthala Central Cooperative Bank Employees Union, District
Kapurthala

.....Petitioner

Versus

State Election Commission, Punjab and others

...Respondents

2. CWP-22993-2016

The Fazilka Central Cooperative Bank Employees Union, Regd., opposite
New Grain Market, Abohar

.....Petitioner

Versus

State Election Commission, Punjab and others

...Respondents

3. CWP-23032-2016

The Gurdaspur Central Cooperative Bank Employees Union, (Regd.), H.O.
Gurdaspur

.....Petitioner

Versus

State Election Commission, Punjab and others

...Respondents

4. CWP-24621-2016

The Bathinda Central Cooperative Bank Employees Union, Regd. Bathinda

.....Petitioner

Versus

State Election Commission, Punjab and others

...Respondents

5. CWP-24912-2016

The Nawanshahr Central Cooperative Bank Employees Union, (Regd.),
Nawanshahr

.....Petitioner

Versus

State Election Commission, Punjab and others

...Respondents

6. CWP-25831-2016

The Ludhiana Central Cooperative Bank Employees Union, (Regd.), H.O.
Civil Lines, Near P.S. Sadar, Ludhiana

.....Petitioner

Versus

State Election Commissioner, Punjab and others

...Respondents

7. CWP-26124-2016

The Muktsar Central Cooperative Bank Employees Union, (Regd.), H.O.
Kotkapura Road, Street Adarsh Model School, Sri Muktsar Sahib

.....Petitioner

Versus

State Election Commissioner, Punjab and others

...Respondents

8. CWP-26782-2016

The Hoshiarpur Central Cooperative Bank Employees Union, Head Office
Hoshiarpur

.....Petitioner

Versus

State Election Commission, Punjab and others

...Respondents

9. CWP-23032-2016

The Gurdaspur Central Cooperative Bank Employees Union, (Regd.), H.O.
Gurdaspur

.....Petitioner

Versus

State Election Commission, Punjab and others

...Respondents

10. CWP-128-2017

The Patiala Central Cooperative Bank Employees Union, H.O., Patiala

.....Petitioner

Versus

State Election Commission, Punjab and others

...Respondents

11. CWP-236-2017

The Fatehgarh Sahib Central Cooperative Bank Employees Union, Head
Office Sarhand, Sarhand, District Fatehgarh Sahib

.....Petitioner

Versus

State Election Commission, Punjab and others

...Respondents

12. CWP-376-2017

The Roopnagar Central Cooperative Bank Employee's Union, H.O.,
Roopnagar

.....Petitioner

Versus

State Election Commission, Punjab and others

...Respondents

13. CWP-388-2017

The Sangrur Central Cooperative Bank Employee's Union, H.O. Sangrur

.....Petitioner

Versus

State Election Commission, Punjab and others

...Respondents

14. CWP-485-2017

Land Mortgage Banks Employees Union, Punjab (Regd.), Head Office,
S.C.O. No. 51-54, Sector 17-B, Chandigarh

.....Petitioner

Versus

State Election Commission, Punjab and others

...Respondents

15. CWP-728-2017

The Mansa Central Cooperative Bank Employees Union, (Regd.), District
Mansa

.....Petitioner

Versus

State Election Commission, Punjab and others

...Respondents

16. CWP-765-2017

The S.A.S. Nagar, Central Cooperative Bank Employees Union, Head
Office, SCO No. 66, Phase-2, SAS Nagar, Mohali

.....Petitioner

Versus

State Election Commission, Punjab and others

...Respondents

17. CWP-947-2017

Gurmeet Singh and others

.....Petitioners

Versus

State Election Commission, Punjab and others

...Respondents

18. CWP-1226-2017

Krishan Kant and another

.....Petitioners

Versus

State Election Commission, Punjab and others

...Respondents

19. CWP-1244-2017

Vishavdeep Singh and others

.....Petitioners

Versus

State Election Commission, Punjab and others

...Respondents

20. CWP-1264-2017

Punjab State Cooperative Agricultural Development Bank Ltd.

.....Petitioner

Versus

State Election Commission, Punjab and others

...Respondents

21. CWP-1266-2017

The Punjab State Cooperative Agricultural Service Society Employees Union (Regd.), District Mansa

.....Petitioner

Versus

State Election Commission, Punjab and others

...Respondents

22. CWP-1556-2017

Punjab State Cooperative Agricultural Development Bank Ltd., Zira

.....Petitioner

Versus

State Election Commission, Punjab and others

...Respondents

23. CWP-1609-2017

Amrik Singh and others

.....Petitioners

Versus

State Election Commission, Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. K.B.S. Mann, Advocate
for the petitioner in CWP No. 485 of 2017.

Mr. Naveen Batra, Advocate,
for the petitioner in CWP Nos. 26782 of 2016 and 236 of
2017.

Mr. Malkiat Singh, Advocate
for the petitioner in CWP No. 765 of 2017.

Mr. Jimmy Singla, Advocate,
for the petitioner(s) in CWP Nos. 128, 376 and 388 of 2017.

Mr. Peeush Gagneja, Advocate,
for the petitioner(s) in CWP Nos. 947 and 1226 of 2017.

Mr. Ashwani Prashar, Advocate
for the petitioner in CWP Nos. 26124 and 25831 of 2016.

Mr. J.P.S. Sidhu, Advocate,
for the petitioner(s) in CWP Nos. 728 and 1266 of 2017.

Mr. I.S. Saggu, Advocate,
for the petitioner in CWP Nos. 21592, 22993, 23032, 24621
and 24912 of 2016.

Mr. Deepak Gupta, Advocate
for the petitioner in CWP No. 1244 of 2017.

Mr. B.P.S. Virk, Advocate
for the petitioner in CWP No. 1609 of 2017.

Ms. Damanpreet Kaur, Advocate
for the petitioner in CWP Nos. 1264 and 1556 of 2017.

Mr. P.S. Tobria, Advocate,
for respondent No.5 in CWP No. 765 of 2017.

Mr. A.S. Khaira, Advocate,
for respondent No.4 in CWP No. 25831 of 2016.

Mr. Naginder Singh Vashist, Advocate,
for the respondent Bank in CWP No. 236 of 2017.

Mr. T.N. Sarup, Addl. A.G., Punjab.

JAISHREE THAKUR, J. (ORAL)

1. By this common order this Court proposes to dispose of 23 connected writ petitions as mentioned in the headnote of this judgment.
2. The petitioner(s) herein who are employees of Cooperative Banks and Primary Cooperative Agricultural Development Banks filed the instant writ petitions with a prayer that since the Banks are not “State”

within the meaning of Article 12 of the Constitution of India and they are not employees of the Government, they could not be sent for forthcoming Assembly Elections scheduled to be held on 04.02.2017.

3. It was contended that as per Section 159 of the Representative of People Act, 1951 only such persons as specified therein could be sent for election duty and they do not come under the said Section. Section 159 reads as under :-

“159. Staff of certain authorities to be made available for election work.—

- (1) The authorities specified in sub-section (2) shall, when so requested by a Regional Commissioner appointed under clause (4) of article 324 or the Chief Electoral Officer of the State, make available to any returning officer such staff as may be necessary for the performance of any duties in connection with an election.*
- (2) The following shall be the authorities for the purposes of sub-section (1), namely:—*
 - (i) every local authority;*
 - (ii) every university established or incorporated by or under a Central, Provincial or State Act;*
 - (iii) a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956);*
 - (iv) any other institution, concern or undertaking which is established by or under a Central, Provincial or State Act or which is controlled, or financed wholly or substantially by funds provided, directly or indirectly, by the Central Government or a State Government.”*

4. Notices of the said petitions were issued with an interim direction that the employees be not assigned to any election duty. The matter is taken up today i.e. 06.02.2017. Reply by way of short affidavit has been filed in CWP Nos. 21592 and 22993 of 2016 in which it is submitted that none of the Bank staff is being engaged in election duty.

5. Since the elections have concluded no further orders are called for in these writ petitions and the same are disposed of as having been rendered infructuous while leaving the question of law open for adjudication at an appropriate stage as to whether employees, such as the petitioners, could be assigned election duty.

6. Writ petitions are disposed of as having been rendered infructuous.

7. A photocopy of this order be placed on the files of connected cases.

06.02.2017
Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.