

CWP-2065-2017

Date of Decision : 11.05.2017

Jasmer Singh

.....Petitioner

versus

Principle Secretary Govt of Haryana and others

....Respondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. J.P. Dhull, Advocate
for the petitioner.

Mr. R.K. Singla, Addl.A.G., Haryana.

Mr. Ravinder Singh Budhwar, Advocate
for respondent No. 5.**M.M.S. BEDI, JUDGE (ORAL)**

Through instant writ petition, petitioner seeks quashing of order dated 30.12.2016 passed by the Additional Chief Secretary to Government of Haryana, Cooperative Department setting aside the order passed by the Additional Registrar (Administration), Cooperative Societies, Haryana, Panchkula on 30.04.2015 vide which the election of respondent No. 5 – Subhash Chand to the post of President of the Kurukshetra District Primary Cooperative Agricultural and Rural Development Bank Limited, Kurukshetra was set aside.

Learned counsel for the petitioner has submitted that respondent No. 5 – Subhash Chand was a defaulter, as such he was not entitled to participate in the election process and he could not have been elected as President of the Bank.

After hearing learned counsel for the petitioner, it appears that respondent No. 5 – Subhash Chand had taken a loan of Rs.75,000/-

from the Cooperative Society. It is also an admitted fact that he had returned the said amount on 25.06.2013. Learned counsel for the petitioner submits that the Additional Chief Secretary has wrongly observed that respondent No. 5 was not a defaulter on the date when the election was held. In the present case, the election had been held on 01.09.2013. A controversy has been raised whether the petitioner had already cleared the loan by virtue of certificate dated 24.06.2014 issued by the Manager of Hamidpur Society or not.

Learned counsel for the petitioner submits that no doubt, the loan was cleared on 24.06.2014 but respondent No. 5 – Subhash Chand was not entitled to contest the election on 01.09.2013.

After going through the order passed by the Additional Chief Secretary to Government of Haryana, I am satisfied from the order that on the date when election had taken place, the petitioner was not a defaulter as the date of election is 01.09.2013 whereas the certificate dated 24.06.2014 issued by the Manager of the Society indicates that he had cleared the loan. No ground is made out to enter into the disputed question of fact.

Dismissed.

(M.M.S. BEDI)
JUDGE

11.05.2017
Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No