

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

CWP No.334 of 2017

Date of decision:13.01.2017

The Punjab State Cooperative Supply and Marketing
Federation Limited (MARKFED) ... Petitioner

Vs.

The Additional Registrar (D), Cooperative Societies,
Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. A.K.Ahluwalia, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The petitioner – MARKFED is aggrieved of the impugned orders, whereby, the award dated 25.09.2012 (Annexure P-5) has been upheld.

The contention of Mr. A.K.Ahluwalia, learned counsel for the petitioner is that employee had caused shortage of wheat bags and thus, entitled to recovery of amount, vide Annexure P-3 when he retired from the service. The departmental enquiry was already pending in which it was clearly stated that retiral dues would be given only after completion of the departmental proceedings. However, the departmental proceedings were dropped and the claim was assessed to the tune of ₹1,86,897/- in the year 2003. Accordingly, the claim petition under Sections 55 and 56 of Punjab Cooperative Societies Act, 1961 was filed but the Arbitrator has dismissed

the same on the ground of being barred by law of limitation, in essence, no explanation has come forth in not filing the claim petition within a period of three years. This fact is not disputed by other side. In fact, the claim petition was filed in the year 2009, thus, the claim was within a period of limitation. The authorities, vide Annexures P-7, P-11 and P-12, did not notice the aforementioned fact, thus, there is gross illegality and perversity. It is a fit case for judicial review.

I have heard learned counsel for the petitioner, appraised the paper book and of the view that the claim of the petitioner before the Arbitrator was belatedly, much less barred by law of limitation. No explanation has come forth in not filing the claim petition immediately after retirement, much less dropping of departmental proceedings. The provision of Section 137 of the Limitation Act, provides general period of three years. In my view, the petitioner had lost the right to recover the amount by law of limitation and cannot file the claim at his own convenience. The award and the orders under challenge are perfectly legal and justified. The writ petition is wholly misconceived. No ground is made out for interference.

Accordingly, the writ petition is dismissed.

(AMIT RAWAL)
JUDGE

January 13, 2017
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No