

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

134

CR No.31 of 2018

Date of decision: 15.01.2018

Hawa Singh

..... Petitioner

Versus

The Hisar Bhartiya Dak, Tar and Govt.
Emp. Co-op Society Ltd. and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Johan Kumar, Advocate
for the petitioner.

Mr. Rajender Kumar, Advocate
for the respondent-caveator.

ANIL KSHETARPAL, J. (ORAL)

Present petition has been filed under Article 227 of the Constitution of India against the order passed by the Executing Court dated 27.11.2017 directing Drawing and Disbursing Officer of judgment-debtor No.2 to deduct the decretal amount and deposited in the Court.

It is not in dispute that the certificate of recovery has been issued against the petitioner by Assistant Registrar, Co-operative Societies. As per the provisions of Section 104 of the Haryana Co-operative Societies Act, 1984 and passing of an order, the Assistant Registrar is entitled to issue a recovery certificate to be executed as a decree of the Court. In this case, certificate was issued. The petitioner filed objection pleading that the certificate is not a decree. The learned Executing Court dealt with the issue and after relying upon the provisions of the Haryana Co-operative Societies Act dismissed the objection petition.

Learned counsel for the petitioner in the revision petition has argued that no doubt the Registrar or the Arbitrator or the Liquidator has power to issue certificate which will be deemed to be a decree, however, the certificate issued is illegal because the Court on the one hand had issued a certificate whereas on the other hand, directed the employer to attach the retiral dues of the petitioner. I have considered the submission. However, I do not find any merit therein. In the present case, the certificate issued by the Assistant Registrar only directs the Superintendent of Posts, Hisar Division to deduct the decretal amount from the retiral dues. This was only an interim measure till the Civil Court passes an order.

In view thereof, there is no scope for interference in the order passed by the Court.

Revision petition is dismissed.

15.01.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No