

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CWP No.10234 of 2014

Rajbir Singh

... Petitioner

Versus

The Sonapat Central Cooperative Bank
Ltd. Sonapat and another

... Respondents

2. CWP No.11291 of 2015

Sh. Zakir Hussain and another

... Petitioners

Versus

State of Haryana and others

... Respondents

Date of Decision: 05.09.2018

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Rajesh Arora, Advocate,
for the petitioner in CWP-10234-2014.

Mr. Arjun Veer Sharma, Advocate,
for Mr. Sanjeev Kumar Bawa, Advocate,
for the petitioners in CWP-11291-2015.

Mr. Pardeep Solath, Advocate,
for respondents No.1 and 2 in CWP-10234-2014.

Mr. Subhash Ahuja, Advocate,
for respondents No.3 & 4 in CWP-11291-2015.

RAJIV NARAIN RAINA, J.(Oral)

1. This order will dispose of CWP No.10234 of 2014, *Rajbir Singh v. The Sonapat Central Cooperative Bank Ltd. Sonapat and another* & CWP No.11291 of 2015, *Sh. Zakir Hussain and another v. State of Haryana and others* on the point of maintainability.

2. Neither is the Bajana Khurd Cooperative Cash & Credit Service Society Ltd.-respondent No.2 in CWP-10234-2014 nor the Rawli Primary

Agriculture Co-operative Society Limited, Rawli-respondent No.4 in CWP-11291-2015 amenable to writ jurisdiction under Article 226 of the Constitution of India. These are Primary Cooperative Societies which are not created under any statute. Neither is any statutory duty cast on these primary societies nor do the petitioners have a corresponding right to relief be enforced in writ jurisdiction.

3. Neither the State nor respondent Banks in both the writ petitions have any substantial financial stake, deep and pervasive control over the functioning etc. over these primary cooperative societies and, therefore, they do not qualify as other authorities in Article 226 or “State” within the meaning of Article 12 of the Constitution.

4. The petitioners have relied on judgments which may be noticed in CWP No.11147 of 1995, *Sh. Balbir Singh and another v. The Samaspur Co-operative Credit and Service Society (Mini Bank) Samaspur* decided on November 13, 1995, CWP No.1590 of 1997, *Bani Singh and another v. The Kailana Co-operative Credit and Service Society Limited (Mini Bank), Kailana* decided on May 26, 1997 & CWP No.1591 of 1997, *Ram Mehar and another v. The Sitawali Co-operative Credit and Service Society Limited (Mini Bank), Kailana* decided on May 26, 1998. In none of these cases Rule-9 and Rule 13.1 of the Primary Cooperative Credit and Services Societies Staff, Service Rules, 1992 were considered which rules provide for consolidated pay. Therefore, these cases are distinguishable on law.

5. On the point of jurisdiction, the decision of the Supreme Court in General Manager, Kisan Sahkari Chini Mills Limited, Sultanpur, U.P. v. Satrughan Nishad and others, JT 2003 (8) SC 235 can be profitably read on

the point of maintainability.

6. Accordingly, the writ petitions are dismissed for want of maintainability.

05.09.2018
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(RAJIV NARAIN RAINA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>