

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

128

Civil Writ Petition No.16120 of 2018
Date of Decision: July 6th, 2018

Avtar Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. H.S. Bedi, Advocate
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for setting aside the order dated 15.05.2018 (Annexure P-6) passed by the Deputy Registrar, Cooperative Societies, Ferozepur, whereby the appeal of the petitioners, who were members of the Managing Committee of the Langiana Nawan Multipurpose Cooperative Agriculture Service Society Limited and have been removed by order dated 16.10.2017 (Annexure P-5) passed by the Assistant Registrar, Cooperative Societies, Bagha Purana, District Ferozepur-respondent No.5.

2. It is the contention of learned counsel for the petitioners that the invoking of the provisions of Section 27 of the Punjab Cooperative Societies Act, 1961, is unsustainable in the light of the fact that there has been no persistent default or inaction on the part of management of the cooperative society. He contends that the charges, which have been alleged against the petitioners, do not indicate any default on the part of the management and further that the Managing Committee was never intimated with regard to such defaults having been committed. Referring to the charges, he asserts that the allegations are not of such a nature which would call for removal of the Managing Committee altogether. As a matter of fact,

wanted some person to be appointed as salesman in the society, whereas the Managing Committee has constituted a Selection Committee after following the due procedure and had selected some other person and it is on this basis that such an action has been taken against the petitioners.

3. I have considered the submissions made by the counsel for the petitioners and have gone through the impugned orders.

4. Charges which have been framed against the petitioners have been duly found to be correct as they are based upon record. The operative part of the order passed by the Deputy Registrar, Cooperative Societies, Ferozepur, with reference to the charges reads as follows:-

“Charge No.1 – Arbitration cases were prepared against 62 defaulter members. The managing committee of the society did not issue any directions to initiate proceedings against the legal heirs of the defaulter members who have expired. The managing committee is competent to initiate action against the defaulter members, which was not done by the managing committee.

Charge No.2 – The compliance of paras of audit dated 31.03.2016 is pending. The managing committee has not complied with the same and neither issued any direction for its compliance. The non compliance of the audit notes by the managing committee is a serious allegation.

Charge No.3 – The managing committee of the society while passing resolution no.1 dated 16.05.2016 authorized Amritpal singh committee member, Paramjit Singh, Gurshinder Singh committee member to put new tyres on tractor and sell the old tyres, but no approval was from the department and neither any instructions were issued in this regard to the Secretary, which is violation of the Act and the bye-laws.

Charge No.4 – There were 108 bags of DAP in the

godown of the society which were unsalable, but the secretary of the society with his own efforts have sold some of them. As on 31.03.2018, there are 74 bags of DAP remaining. In this regard the managing committee has not initiated any action.

Charge No.5 – The managing committee of the society by passing the resolution dated 31.03.2017 has kept the tractor driver till 31.03.2018. The annual salary comes out to Rs.90,000/- (rupees ninety thousand). The society can be saved from financial loss by keeping the tractor driver during the season. The managing committee was required to keep the tractor driver only for the season. By doing so, they have caused financial loss.

Keeping in view the above, I consider that the appeal filed by the appellants against the order dated 16.10.2017 is without any weight and the orders have been passed keeping in view the provisions of Section 27 of the Punjab Cooperative Societies Act, 1961 under which the managing committee of the society have violated the various bye-laws of the society and have been negligent in performance of its duties and those have been passed keeping in view the principles of natural justice. Disagreeing with the pleas given in the appeal and after hearing the concerned appellants and the respondents and perusing the record I Rattan Lal Kukkar, PCS-I, Deputy Registrar Cooperative Societies, Ferozepur dismissed the present appeal of the appellants.”

5. The charges which have been levelled against the petitioners indicate that no action has been taken by the Managing Committee for initiating proceedings against the defaulters, although they have prepared the cases for arbitration but have not referred to the Arbitrator or proceeded further. Similar is the position with regard to the inaction on the part of the compliance with the audit inspection which was conducted on 31.03.2016

as per the report that till date no action has been taken for complying with

the same. The Managing Committee had sold the tyres of the tractor but the same was done without the approval of the authority and 108 bags of DAP which were purchased in the year 2014 had been lying in the godown of the society. No efforts were being made to sell the same which has resulted in deterioration thereof leading to the loss to the society. Similar is the position with regard to the appointment of the tractor driver for whole year, who should have been appointed on seasonal basis. All the charges having been found to be of such a nature which would be consistent and persistent default on the part of the society for having not taken action which a Managing Committee of a society should take and in a reasonable manner would take precaution to run the society for benefit of the members.

6. The findings as recorded by the authorities below are fully justified and based upon record and the action taken under Section 27 of the Punjab Cooperative Societies Act, 1961, therefore, cannot be faulted with.

7. Finding no merit in the present petition, the same stands dismissed.

July 6th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No