

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

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Civil Writ Petition No.3091 of 2019

Date of Decision: February 4th, 2019

Parveen Khanna

...Petitioner

Versus

Secretary Co-operative, U.T. Secretariat, Sec-9, Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. R.K. Sharma, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court praying for quashing of the order dated 09.12.2015 (Annexure P-6) passed by the Additional Registrar, Cooperative Societies, U.T. Chandigarh and the order dated 07.09.2018 (Annexure P-7) passed by the Secretary, Cooperation, U.T.-respondent No.1.

2. It is the contention of learned counsel for the petitioner that after availing the loan on the basis of the tri-party agreement from State Bank of Patiala (now State Bank of India), the bank had deducted the monthly instalment from the salary of the petitioner as he was an employee of the said bank. Petitioner retired in the year 2004. He contends that The Employees of State Bank of India Co-operative Urban Salary Earners T&C Society Limited-respondent No.3 did not put forth any claim and it is after an inordinate delay, on the basis of a resolution, which has been passed, petitioner was called upon to deposit the arrears. He contends that in the light of the fact that there has been an inordinate delay on the part of the respondents i.e. for 19 years, he was unable to produce any documents with regard to he having made the repayment of the loan as per the schedule and,

therefore, there was no question of any amount being due towards the petitioner. He, thus, contends that the impugned orders cannot sustain and deserve to be set aside.

3. I have considered the submissions made by learned counsel for the petitioner and with his assistance, have gone through the impugned orders.

4. Perusal of the order dated 07.09.2018 (Annexure P-7) passed by the Secretary, Cooperation, Chandigarh Administration-respondent No.1 would show that the said respondent has proceeded to come to a conclusion that the petitioner would be liable to pay simple interest and not compounded interest. It has further been asserted that the petitioner was given three opportunities, rather four opportunities to produce any documentary evidence to substantiate the assertion of the counsel for the petitioner that the amount due has been paid but the counsel failed to do so. The Court, therefore, does not find any justification for interfering with the well reasoned and equitable order dated 07.09.2018 (Annexure P-7) passed by the Secretary, Cooperation, Chandigarh Administration.

5. Learned counsel for the petitioner asserts that the matter having been remanded back to the Registrar, Cooperative Societies, U.T. Chandigarh, for the limited purpose, would deny the petitioner an opportunity to produce his documents with regard to the payment having been made. He, thus, contends that the petitioner would make an endeavour to produce such documents before the Registrar to establish his assertion that he has made the payment.

6. This aspect would be open to the petitioner and in case the Registrar is satisfied with regard to the assertions of the petitioner of

payment already made on the basis of some documents, the same can be looked into.

7. With these observations, the writ present stands dismissed.

February 4th, 2019
Puneet

AUGUSTINE GEORGE MASI(H)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No