

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-16801-2019 (O&M)
Date of Decision: 19.06.2019

Gurpartap Singh Khushalpur & others

--Petitioners

Versus

State of Punjab & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. D.V. Sharma, Sr. Advocate with
Ms. Eshjyot Walia, Advocate for the petitioners.

TEJINDER SINGH DHINDSA.J (Oral)

Challenge in the instant petition is to the order dated 31.5.2019 passed by the Registrar, Cooperative Societies, Punjab (Annexure P-1) and in terms of which while invoking the powers under section 27(2) of the Punjab Cooperative Societies Act, 1961 the Directors of the Labour and Construction Federation Limited (Labourfed) have been placed under suspension.

The principal ground of challenge raised by learned senior counsel is that by virtue of the 97th Amendment of the Constitution of India, the Registrar, Cooperative Societies lacked jurisdiction to pass the impugned order/directions inasmuch as Labourfed as a Cooperative Society has no Govt. share holding or loan or financial assistance or any guarantee by the State Govt. Further urged that keeping in view the 97th Amendment of the Constitution of India even section 27 of the Punjab Cooperative Societies Act, 1961 stands amended vide Punjab Act No.14 of 2014.

Notice of motion.

On the asking of the Court, Mr. Pankaj Gupta, learned Addl.

A.G., Punjab, accepts notice on behalf of respondents no.1 and 2.

Mr. Gupta would, however, join issue and would contend that there has been financial assistance to Labourfed by the State Govt. That apart, it is contended that the petitioners have already availed of their statutory remedy of appeal under section 68(1)(e) read with section 68(2)(d) of the Cooperative Societies Act and such appeal is pending consideration before the Financial Commissioner concerned along with an application for stay that had also been filed and is now pending consideration for 4.7.2019.

Having heard counsel for the parties and without opining on the merits of the case, the instant writ petition is disposed of with a direction to respondent no.1 to decide the appeal preferred by the petitioners against the impugned order dated 31.5.2019 (Annexure P-1) expeditiously.

Statement of learned State counsel is recorded to the effect that respondent no.1 would in any case take a decision on the stay application that has been preferred by the petitioners along with the appeal on 4.7.2019 itself or in any case within one week thereafter.

In the light of such stand taken on behalf of the State, no further directions are required to be passed in the instant writ petition and the same is, accordingly, disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

19.06.2019
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No