

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

**CWP No. 18549 of 2015
Date of decision : 08.11.2019**

Harjinder Singh

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Ms. Sonia G. Singh, Advocate for the petitioner.

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab.

None for respondents No. 6 and 7.

Harsimran Singh Sethi, J. (Oral)

The grievance, which is being raised by the petitioner in the present writ petition, is that certain benefits for which his late father was entitled for while working with respondent No. 6-Society such as arrears of pay from the month of December, 2013 till June, 2014, are yet to be paid as father of the petitioner, Sh. Gian Singh, who was working with respondent No. 6-Society, unfortunately, died on 14.06.2014 and after his death, the Society has not released the arrears of salary. Petitioner is the son of deceased Gian Singh, who is claiming the benefit of arrears of salary in respect of service rendered by his father. The petitioner is also claiming compassionate appointment after the death of his father.

In the writ petition, nothing has been shown as to how respondent No. 6, which is a Multi Purpose Agricultural Service Society, is amenable to the writ jurisdiction of this Court, especially, in view of the law laid down by the Hon'ble Supreme Court in **General Manager, Kisan Sahkari Chini Mills Ltd. Sultanpur U.P. vs. Satrugan Nishad and others, AIR 2003 SC 4531.** Further, the petitioner himself has mentioned that there are Rules called The Punjab State Cooperative Agricultural Service Society Rules, 1986 and under Rule 20, in case any difficulty arises in the interpretation of the said Rules, the Registrar Cooperative Societies will be the competent authority to decide the same and whose decision will be final.

Learned counsel for the petitioner states that petitioner has already approached Assistant Registrar Cooperative Societies by filing a legal notice dated 05.05.2015 (Annexure P-9), which is still pending consideration with the respondents.

In the reply filed by respondents No. 1 to 5, respondents have stated that legal notice has already been replied to stating that the claim of the petitioner is against the Society and not against the authorities under the Cooperative Societies Act.

On being pointed out to the learned State counsel that if a Cooperative Society does not follow the Rules, whether the Registrar, Cooperative Societies has the power to issue direction or not learned State counsel very fairly states that the matter will be looked into by the Registrar, Cooperative Societies and in case it is found that the Rules governing the service are being violated, appropriate direction for implementation of the

Rules will be issued to the concerned Society and an order in this regard will be passed within a period of three months from the date of receipt of certified copy of this order after examining the case of the petitioner qua the grievance raised in the present writ petition as well as in the legal notice dated 05.05.2015 (Annexure P-9) served by the petitioner.

Learned counsel for the petitioner states that keeping in view the statement of the learned State counsel, she does not wish to press this writ petition any further.

Disposed of having been not pressed in view of the facts recorded above.

November 08, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No