

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 4982 of 2016 and
CM-10864-CWP-2017
Date of Decision : 14.05.2019

Ram Kavar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Navneet Jindal, Advocate for the petitioner.

Mr. C.S. Bakhshi, Additional Advocate General, Haryana.

Mr. Ashish Yadav, Advocate for respondent No. 4.

Mr. Naveen Singh Panwar, Advocate for respondent No. 5.

Mr. Surender Saini, Advocate for respondent No. 6.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the claim which is being made by the petitioner is for the release of pensionary benefits against a Cooperative Society i.e. Respondent No. 6.

Learned counsel for the respondents, at the time of arguments, have raised an objection that the writ petition is not maintainable against respondent No. 6-Cooperative Society, especially, in view of the fact that the petitioner has a remedy under the Haryana Cooperative Societies Act, 1984 for the redressal of his grievance.

It is admitted that the petitioner has not approached the authority under the Haryana Cooperative Societies Act, 1984 for the relief as being prayed in the present writ petition.

This Court has held that the writ petition is not maintainable against a Cooperative Society by relying upon a judgment of Hon'ble Supreme Court in ***General Manager Kisan Sahkari Chini Mills Limited, Sultanpur U.P. Vs. Satrugan Nishad and others, 2003(8) SCC 639.*** Division Bench of this Court in CWP No. 10806 of 2006, decided on 20.07.2006, titled as ***Prem Singh and others Vs. State of Punjab and others***, held that the Cooperative Society is not amenable to the writ jurisdiction of this Court. Thereafter, once again this Court in CWP No. 6776 of 1999, decided on 13.08.2010 titled as ***Ranjit Singh Vs. The Registrar Cooperative Societies, Punjab, Chandigarh and another*** again held that the writ petition is not maintainable against the Cooperative Society.

Learned counsel for the petitioner has not been able to show as to how, respondent No. 6-Cooperative Society can be treated as instrumentality of the State in the absence of any financial or administrative control of the Government over the said Society. In the absence of any administrative or financial control of the Government, respondent No. 6 Society is not amenable to the writ jurisdiction of this Court.

Faced with this situation, learned counsel for the petitioner prays that he be allowed to withdraw the present writ petition with liberty to approach the authorities under Haryana Cooperative Societies Act, 1984 for the redressal of his grievances.

Dismissed as withdrawn with liberty as prayed for.

May 14, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? Yes

Whether reportable? No