

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

CWP No. 29080 of 2019 (O&M)
Date of decision:-13.11.2019

Kanwaljeet Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

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

Present:- Mr. Gunjeet Singh Brar, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner is stated to be serving on the post of General Manager with the Sugar Mill Morinda, District Rupnagar. Vide order dated 25.03.2019 passed by the Registrar, Cooperative Societies, Punjab, petitioner amongst other officials was held responsible for having caused loss to the Sugar Mill and accordingly he was called upon to deposit a sum of Rs.2,66,667/- towards compensation.

Petitioner is stated to have filed an appeal under Section 68 of the Punjab Cooperative Societies Act, 1961 before the Financial Commissioner (Cooperation) Punjab along with an application for stay as well.

The precise grievance raised by the petitioner in the instant writ petition is that the application for stay as also the main appeal have not been taken up for consideration/adjudication inspite of a number of dates having been given and on the other hand, recovery in pursuance to the order dated 25.03.2019 (Annexure P-2) passed by the Registrar, Cooperative Societies, Punjab is sought to be effected.

In the considered view of this Court, the action of the respondent/authorities is patently unjust.

Petitioner by virtue of filing an appeal dated 15.07.2019 (Annexure P-3) has availed of his statutory remedy against the order passed by the Registrar. The appeal was accompanied by an application seeking stay. Under such circumstances, it would not be open for respondent No.2 not to take a final decision on the application for stay as also on the main appeal and on the other hand, to permit the impugned order passed by the Registrar, Cooperative Societies to be put into operation.

In view of the above and without making any observations on merits, the instant writ petition is disposed of with a direction to respondent No.2 to take a final decision on the appeal dated 15.07.2019 (Annexure P-3) expeditiously and in accordance with law.

Let a final decision be taken within a period of three months from the date of receipt of a certified copy of this order.

Further recovery from the petitioner in pursuance to order dated 25.03.2019 passed by the Registrar, Cooperative Societies, Punjab would remain stayed and would be subject to the final order to be passed by the appellate authority and as has been directed.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

13.11.2019
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No