

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

**CWP No.10112 of 2017
Date of decision :22.2.2019**

Bhajjan Singh Sethi and another

.....Petitioners

Versus

Hindu Coop. Bank Ltd. and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.S.K.Choudhary, Advocate for the petitioners.
Mr.Ashwani Prashar, Advocate for the
respondents.

TEJINDER SINGH DHINDSA, J.

The petitioners seek mandamus for directing the respondent-Hindu Co-operative Bank Ltd., Pathankot to release certain documents in the nature of registered sale deed, no objection certificate etc., which is stated to be in possession of the Bank.

It would be apposite to take note that a Coordinate bench of this Court in **Hindu Co-operative Bank Employee's Association v. State of Punjab and others** 2011(4) PLR 388 has already taken a view that a writ petition would not be maintainable against the Hindu Co-operative Bank Ltd. The relevant observations made in the judgment in **Hindu Co-operative Bank Employee's Association's** case (supra) are in the following manner:

"7. Mr.D.V.Sharma, learned senior counsel for respondent No.4 and 5 has raised a preliminary objection with regard to maintainability of the writ petition as the Bank is not an authority within the meaning of Section 12 of the Constitution of India. The respondent-Bank is a Cooperative Societies Act, 1961 and the Government has no pervasive control over the affairs of the Bank. Learned counsel further submits that in view of the judgment of Hon'ble the Apex Court in the case of **S.S.Rana v. Registrar, Cooperative Societies and another, JT 2006(5) SC 186**, no writ petition is maintainable against the Cooperative Society as it is not a State within the meaning of Article 12 of the Constitution of India. It has also been submitted by learned counsel for respondent No.1 and 5 that some of the employees of Tarn Taran Cooperative Sugar Mills Ltd., Tarn Taran filed a writ petition before this Court for claiming payment due to them, which was dismissed on 20.7.2006 by relaying upon the judgment of Hon'ble the Apex Court in S.S. Rana's case (supra) as well as **General manager, Kisan Sahkari Chini Mills Ltd., Sultanpur, U.P. v. Shatrughan Nishad and others, JT 2003 (8) SC 235**. He also submits that state of Punjab has been impleaded as party, being no role. The present petition has been filed for quashing of the letter dated 22.6.2010 written by the Managing Director of the Bank to the Deputy Registrar and has only been impugned just to file the present petition.

*Even on merits, the pay scales of the employees of the Society are to be determined by the Board of Directors and for that an approval of the Registrar is required. The employees are governed by Rule 11 as well as Section 84-B of the Act, which clearly shows that the pay scales and Dearness Allowance cannot be more than the employees of the State Government. The letter in dispute is not applicable to the employees of the Bank unless it is adopted by the Board of Directors. Learned counsel also relied the judgments of this Court in **CWP No.2486 of 1987 decided on 3.4.2008 titled as Pardip Kaur and others v. The Jalandhar Central Coop. Bank Ltd. etc., CWP No.8056 of 1991 decided on 8.7.2011 titled as Miss Pardeep Kaur and others v. State of Punjab and others, CWP No.2595 of 1991 decided on 5.9.2007 titled as Bhajan Singh and others v. The State of Punjab and others** and in the case of **Ranjit Singh v. The Registrar Cooperative Societies, Punjab, Chandigarh and another 2010(4) SCT 750** and in **CWP No.3366 of 1994 decided on 8.4.2011 titled as Amarjeet Singh v. Chandigarh State Cooperative Bank Limited and others.***

8. Heard the arguments advanced by learned counsel for the parties and have also gone through the impugned letter as well as other documents available on the file.

9. *Now the question for consideration before this Court is whether the writ petition is maintainable or not.*

10. *Without commenting anything on the merits of the case, it is held that the writ petition is not maintainable in view of the judgments of Hon'ble the Apex Court in Kisan Sahkari Chini Mills's case(supra) and S.S.Rana's case (supra) as well as judgment of this Court in **CWP No.4795 of 2003 (Jatinder Singh v. State of Punjab etc.) decided on 2.5.2005** and **CWP No.16584 of 2003 (Sarabjeet Singh and others v. State of Punjab and others) decided on 11.5.2006.**"*

Under such circumstances, the instant writ petition is held to be not maintainable.

It is, however, open to the petitioners to take recourse to other remedies, as may be available in accordance with law.

Disposed of.

February 22,2019
KD

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking / reasoned:
Whether Reportable:

Yes / No
Yes / No