

CWP-33025-2019

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-33025-2019

Date of Decision: 15th November, 2019

The Dadehar Sahib Multipurpose Cooperative Agricultural Service
Society Ltd.

...Petitioner

Versus

Registrar Cooperative Societies, Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. M.S. Bedi, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court praying for setting aside the order dated 07.10.2019 (Annexure P-3) passed by the Assistant Registrar Cooperative Societies, Tarn Taran.

2. It is the assertion of the counsel for the petitioner that the Assistant Registrar Cooperative Societies, Tarn Taran could not have appointed/given additional charge to the post of Secretary of the petitioner – Society without there being any request on the part of the petitioner – Society especially when the Society has appointed a salesman vide resolution dated 11.09.2019 (Annexure P-2). He, thus, contends that the impugned order cannot sustain especially when there is no power conferred upon the Assistant Registrar Cooperative Societies, Tarn Taran to pass such an order.

3. I have considered the submissions made by the learned counsel

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for the petitioner and with his assistance have gone through the impugned order but do not find myself in agreement with his assertions for the reason that the appointment which has been made by the Society is on the post of salesman and not on the post of Secretary. Further, perusal of the order dated 07.10.2019 (Annexure P-3) would show that it is only a stop-gap arrangement in the light of the fact that the Secretary of the Society has retired on 30.10.2019. It is only with an intention that the work of the Society does not suffer and further, there is no financial burden upon the Society as it has specifically been mentioned that he will not be paid additional compensation/salary/emoluments for the work which he would perform as an additional charge of the Secretary.

4. The jurisdiction of the Assistant Cooperative Societies is derived from the powers of the Registrar which has been conferred on him as per the notification issued under Section 3 of the Punjab Cooperative Societies Act, according to which, the supervision is under the jurisdiction of the Registrar and Assistant Registrar Cooperative Societies is exercising the said powers as delegated on him.

5. There is no merit in the present writ petition, the same, therefore, stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

15th November, 2019
Harish

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