

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-33032-2019 (O&M)
Date of Decision: 15.11.2019

Satwant Singh

--Petitioner

Versus

State of Punjab and others

--Respondents

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

Present:- Mr. I.S. Saggu, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioner assails the order dated 25.10.2019 (Annexure P-5) passed by the Joint Registrar, Cooperative Societies, Patiala Division, Patiala.

The issue hinges on the selection and appointment of the petitioner as a Salesman under the Bhasaur Multipurpose Cooperative Agricultural Society Ltd. Bhasaur, Tehsil Dhuri, District Sangrur.

The impugned order has been passed in an execution petition under section 63 of the Punjab Cooperative Societies Act, 1961 at the hands of respondent no.8 seeking implementation of an order dated 24.5.2019 passed by the Joint Registrar himself.

It has been vehemently contended that the execution petition which has led the passing of the impugned order was not even maintainable and as such, the order cannot sustain.

Perusal of the impugned order itself would reveal that the execution petition preferred by respondent no.8 has been dismissed. However, it has been noticed that since an appeal is pending before the Deputy Registrar, Cooperative Societies, Sangrur against the selection of Salesman by the society including that of the petitioner, as such, the Joint

Registrar has declined to interfere in the execution petition. However, an interim direction has been issued viz stay on the appointment of the petitioner till the first hearing of the appeal before the Deputy Registrar.

The grievance of the petitioner is essentially against such interim order.

Counsel representing the petitioner was repeatedly called upon to apprise this Court as regards the date of hearing in the appeal that is pending before the Deputy Registrar assailing the selection and appointment to the post of Salesman under the society. The response is that the petitioner till date has not been served with a copy of the appeal or any notice pertaining to the proceedings before the appellate authority.

Be that as it may, the impugned interim direction was time bound and was to continue only till the first hearing before the appellate authority i.e. the Deputy Registrar, Cooperative Societies, Sangrur.

It was imperative for the petitioner under such circumstances to have put forth before this Court the factual premise as regards hearing if any that had been conducted before the appellate authority.

Needless to observe that the interim direction contained in the order dated 25.10.2019 (Annexure P-5) may well have outlived its life.

In the absence of the necessary pleadings and facts in such regard, no interference is called for, at this stage.

Petition, accordingly, is disposed of.

It would be open for the petitioner to contest the appeal which is pending before the Deputy Registrar, Cooperative Societies, Sangrur and who would make an endeavor to decide the matter expeditiously in accordance with law and after hearing all the effected parties.

(TEJINDER SINGH DHINDSA)
JUDGE

15.11.2019
lucky

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