

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

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**Civil Writ Petition No.2106 of 2020
Decided on : 27.01.2020**

Gurpal Singh Grewal and others

... Petitioners

Versus

Registrar Cooperative Societies, Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. Ashwani Prashar, Advocate for the petitioners.

G.S. Sandhawalia, J. (Oral)

Challenge in the present writ petition filed under Articles 226/227 of the Constitution of India are to the orders dated 30.11.2018 (Annexure P-5) and 02.07.2019 (Annexure P-7).

2. Vide Annexure P-5, the election of the petitioners to the Board of Directors of the Fazilka Central Cooperative Bank Ltd.-respondent No.5 herein held on 05.09.2016 has been set aside and the concerned authorities have been directed to conduct elections afresh by the Additional Registrar Cooperative Societies, Punjab. The said order has been upheld in appeal on 02.07.2019 (Annexure P-7).

3. Respondent No.2 while deciding the election petition filed by the private respondents No.6 to 15 came to the conclusion that the election which was held on 05.09.2016 across 9 zones was not held in a proper manner. Resultantly, a joint petition as such filed was allowed on account of the identical stand taken in respect to the elections in various zones. In principle the formation of zones which had been objected by the private respondents was upheld.

4. However, on perusal of the cross-examination of the present petitioners who were the respondents therein, the said respondent came to the conclusion that candidates elected could not even tell the number of candidates who had stood for election in a particular zone. Resultantly, the election was set aside. The said order has been upheld finally by respondent No.1, on the ground that out of 9 zones, Directors of Zones No. 5 and 9 have also not preferred to challenge the order in appeal. It is to be noticed that two of the petitioners No.5 and 7 herein, were noticed to be defaulters and therefore, had been wrongly included in the voter list. The argument though raised was that the same was not the subject matter of the election petition and, therefore, in the appeal the same could not have been taken into consideration.

5. However, it is pertinent to notice that in the cross-examination of the petitioners which has been referred to in detail in Annexure P-5, it has come on record that specially in the case of Dhanpat Rai-petitioner No.2 against whom one Chhamdeep Singh-respondent No.9 herein, had filed his nomination paper is that he did not even have the knowledge regarding the submission of nomination paper of respondent No.9 for participating in the election for Zone No.6. In his cross-examination it has further come on record that the election was held only in Zone No.8 where Shri Rakesh Sehgal, was elected as Director, and consensus was built in some zones but he could not tell that in which zone Directors were selected with consensus.

6. It was in such circumstances, the Registrar has also noticed

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that even in the case where election was held i.e. Zone No.8 no record could be produced by the respondent No.5-Bank and resultantly it was held that the elections are to be conducted in a transparent manner not only in books but also in practice. The whole process of election as such being surrounded by dubious atmosphere was directed to be re-conducted in a free, fair and transparent manner.

7. Thus, from the above perusal of the record, it is apparent that out of the 9 zones the nomination paper in one case was rejected (Zone No.6) and in other cases the Directors were selected by consensus and there was no effective election as such. The findings as such which have been recorded by the authorities below are based on the record and cross-examination of the present petitioners also. Two of the elected Directors as such have chosen not to challenge the primary order dated 30.11.2018. No application as such has been brought on record that any record was summoned from respondent No.5-Bank to show that even in the case of Zone No.8 any election had been conducted.

8. Thus, it is apparent that the findings as such recorded by the authorities below do not suffer from any infirmity and are based on the record and the orders of the authorities below are not liable to be set aside. Accordingly, the present writ petition is dismissed in limine.

JANUARY 27, 2020

Naveen

Whether speaking/reasoned:
Whether Reportable:

(G.S. SANDHAWALIA)
JUDGE

Yes/No
Yes/No