

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-14360-2020

Date of Decision:-14.09.2020.

Dhanpat and others

.....Petitioners

Versus

The Registrar, Cooperative Societies, Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Kuldip Singh, Advocate for the petitioners.

Mr. Rajesh Gaur, Additional A.G., Haryana and
Mr. Minderjeet Yadav, DAG, Haryana, for
respondent Nos.1 and 2.

Mr. Pardeep Solath, Advocate for respondent No.3.

SANJAY KUMAR, J. (Oral)

The petitioners are the President, Vice-President and members of the Managing Committee of Bhagal Primary Agriculture Cooperative Society Limited, VPO Bhagal, Tehsil Guhla, District Kaithal. By way of this writ petition, they challenge the show-cause notice dated 17.08.2020 (Annexure P-1) issued by the Assistant Registrar, Cooperative Societies, Kaithal, under Section 34 (1) of the Haryana Cooperative Societies Act, 1984 (for short, 'the Act of 1984'); the order dated 18.08.2020 (Annexure P-2) passed by the Assistant Registrar, Cooperative Societies, Kaithal,

under Section 34 (2) of the Act of 1984, keeping the Managing Committee of the Society under suspension with immediate effect; and the order dated 18.08.2020 (Annexure P-3) issued by the Assistant Registrar, Cooperative Societies, Kaithal, appointing a Board of Administrators for the Society under Section 33 of the Act of 1984, for a period of six months or till constitution/reinstatement of the Managing Committee.

Mr. Kuldip Singh, learned counsel for the petitioners, would contend that no cause was made out for the Assistant Registrar to take action against the petitioners under Section 34 of the Act of 1984. He would argue that the appeal filed by an employee of the Society was entertained by the Assistant Registrar, Cooperative Societies, Kaithal, though it was not maintainable and on the strength of the order passed therein, proceedings were initiated under Section 34 of the Act of 1984. He would also contend that if any resolution passed by the Managing Committee was found to be unlawful, Section 27 of the Act of 1984 authorized the Registrar to rescind such resolution and the Assistant Registrar could not usurp the power of the Registrar, by doing so indirectly through suspension of the Managing Committee.

Section 2(1)(r) of the Act of 1984 defines 'Registrar' to mean a person appointed to perform the functions of the Registrar of Cooperative Societies and includes any person appointed to assist the Registrar in the exercise of his powers. Therefore, the distinction sought to be drawn presently between the Registrar and the Assistant Registrar, insofar as exercise of powers under Section 27 and 34 of the Act of 1984 are

concerned, cannot be countenanced. That apart, the scheme of Section 34 of the Act of 1984 is to the effect that, in terms of sub-section (1) thereof, the Registrar may supersede the Committee of any Cooperative Society, upon forming an opinion as to the existence of any of the conditionalities mentioned in clauses (i) to (v) thereunder, after giving an opportunity to the Committee to state its objections. Sub-section (2) empowers the Registrar, while taking action under sub-section (1), to direct suspension of the Committee during the pendency of such proceedings, if he is of the opinion that it is necessary to do so in the interest of the Society. Section 34 (2) read with Section 33 authorizes the Registrar to appoint Administrators for the management of the affairs of the Society till the proceedings are completed.

This being the statutory regime, this Court finds no deficiency or lacuna in the action taken by the Assistant Registrar, Cooperative Societies, Kaithal, under the impugned Annexures P-1 to P-3. The show-cause notice dated 17.08.2020 (Annexure P-1) sets out in detail the basis for the opinion formed by the Assistant Registrar, warranting initiation of proceedings against the petitioners. It is for them to respond to the said show-cause notice with full particulars and make out their case, if any. As the statutory provisions empowers suspension of the Managing Committee during the pendency of the proceedings, Annexure P-2 passed by the Assistant Registrar placing the Managing Committee, comprising the petitioners, under suspension cannot be termed to illegal. In consequence, the appointment of a Board of Administrators also is above board.

This Court therefore finds no grounds to interfere with the action initiated against the petitioners at this stage. The writ petition is accordingly dismissed leaving it open to the petitioners to respond to the show-cause notice dated 17.08.2020 (Annexure P-1) and present their case.

No order as to costs.

(SANJAY KUMAR)
JUDGE

September 14, 2020.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.