

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

**CWP No.10327 of 2016 (O&M)
Date of decision : March 02, 2020**

Ramesh Kapoor

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Harbans Sharma, Advocate for the petitioner.

Ms. Devki Anand Sullar, AAG, Punjab.

Mr. Raman Goklaney, Advocate for respondent No.5.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that the petitioner is entitled for the release of the pensionary benefits, in respect of the service which the petitioner had rendered with respondent No.5- The Awa Multi Purpose Cooperative Agriculture Service Society.

Learned counsel for respondent No.5 raises a preliminary objection for the maintainability of this writ petition against respondent No.5. Learned counsel argues that keeping in view the law laid down by Hon'ble the Supreme Court of India in “*General Manager, Kisan Sahkari Chini Mills Ltd., Sultanpur, UP v Satrughan Nishad and others*”, 2003(8) SCC 639, no writ petition is maintainable against the Cooperative Society and in the present case, respondent No.5-Cooperative Society is neither financed by the Government of Punjab nor administered by the Government of Punjab and therefore, is not amenable to the jurisdiction of this Court.

Faced with this situation, learned counsel for the petitioner prays that the petitioner be allowed to withdraw the present writ petition with liberty to avail appropriate remedy under the provisions of the Cooperative Societies Act, 1961.

Dismissed as withdrawn, with the liberty, as prayed for.

(HARSIMRAN SINGH SETHI)
JUDGE

March 02, 2020
sarita
Whether speaking / reasoned Yes
Whether Reportable: No