

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

**COCP No.1075 of 2020 (O&M)
Date of Decision: February 03, 2021**

Nazar Singh

...Petitioner

Versus

Vikas Garg and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

--

Present: - Mr.Surinder Gandhi, Advocate
for the petitioner.

Ms.Deepali Puri, Addl. AG, Punjab.

Mr.H.S.Bedi, Advocate for
respondents No.4 to 6.

-

HARINDER SINGH SIDHU, J.

This Contempt Petition has been filed by Nazar Singh -
petitioner alleging disobedience of the order dated 13.03.2020 passed in
CWP No.849 of 2020.

The petitioner was Member of the Mohali Employees
Cooperative House Building Society Limited, Mohali.(for short “the
society”). Vide order dated 03.07.2019 passed by the Deputy Registrar,
Cooperative Societies, Punjab, his Membership was placed under
suspension. At that time he was also the President of the Society.

Subsequently, vide order dated 27.09.2019, the Deputy Registrar, while

exercising the powers of the Registrar, Cooperative Societies, Punjab, dismissed/removed petitioner Nazar Singh and one other person from the Membership of Mohali Employees Cooperative House Building Societies Limited, Mohali.

The order dated 27.09.2019 removing the petitioner from Membership of the Society was challenged by the petitioner by filing CWP No.849 of 2020 (Nazar Singh vs. The Registrar, Cooperative Societies Punjab & Ors.). Initially, vide order dated 14.01.2020 while issuing notice of motion in the said writ petition, order dated 27.09.2019 was stayed. The stay order reads:

“Present: Mr.Surinder Gandhi, Advocate, for the petitioner.

Inter alia contends that show cause notice and the suspension order dated 03.07.2019 (Annexure P-1) was passed against the petitioner on the ground that one Paramjit Singh, Supervisor, an employee of the Society, was residing in the Society's office. Reply to the same was filed on 17.07.2019 (Annexure P-2), explaining the facts and circumstances as to how Paramjit Singh was utilizing the said premises. It was also further mentioned that he had been asked to vacate the said portion, which was got done and resultantly, reinstatement as Committee Member and President of the Society was prayed for. It is, accordingly, submitted that vide the impugned order dated 27.09.2019 (Annexure P-5), petitioner has been dismissed from the Committee's membership, on the ground that upto the date of issue of the show-cause notice, instructions were not being followed.

Notice of motion.

Ms.Kanica Sachdeva, AAG, Punjab accepts notice on behalf of respondents No.1 to 3. A copy of the complete

paperbook be supplied to her, during the course of the day.

Removal order dated 27.09.2019 (Annexure P-5) shall remain stayed, till the next date of hearing.

To come up for service of respondents No.4 to 7, on 05.02.2020.”

Subsequently, vide judgment dated 13.03.2020, the order dated 27.09.2019 was quashed qua the petitioner.

Ld. counsel for the petitioner contends that once the order dated 27.09.2019 removing the petitioner from the Membership of the Society was quashed in the writ petition, he was entitled to be reinstated on his position of the President of the Society.

Ld. Counsel for the respondents points out that after the suspension of the Membership of the petitioner vide order dated 03.07.2019, elections of the Society were held on 21.07.2019 and new office bearers were elected. The proceedings of the Society dated 21.07.2019 were challenged by the petitioner in appeal before the Joint Registrar, Cooperative Societies, Patiala, which was dismissed on 16.09.2019. The petitioner has not raised any further challenge to the elections.

It is the case of the respondents that the order dated 27.09.2019 of the Deputy Registrar which had been quashed by this Court was an order removing the petitioner Nazar Singh and one other person from the Membership of the Society. In compliance with the directions of this Court the membership of the petitioner has been restored. However, he cannot be re-instated as President of the Society which is an elective post and the election of the new President/ office bearers was not under challenge in the

writ petition.

It is stated that the petitioner had earlier filed COCP No.458 of 2020 (Nazar Singh vs. Abhitesh Singh Sandhu and others) alleging non-compliance of the interim order dated 14.01.2020. That COCP was dismissed vide order dated 04.02.2020 which reads as under:

“Heard.

Order dated 27.09.2019 vide which petitioner was dismissed from the membership of Mohali Employee Co-operative Societies Ltd. Mohali, was stayed vide order dated 14.01.2020 passed in CWP-849-2020. Consequent effect of order dated 14.01.2020 is that petitioner continues to be a member of the Society.

Learned counsel for the petitioner submits that petitioner was also president of the Society and once his membership has been reinstated, he continues to be the president of the Society.

Above submission of learned counsel for the petitioner is beyond the scope of order dated 14.01.2020, which simply speaks that petitioner continues to be a member of the Society. Separate legal remedy is available to petitioner with regard to his claim to the post of president of Society.

No action is required to be taken in this petition.

Dismissed.”

Thus, there is no violation of the Court order. This petition is dismissed. The rule is discharged.

February 03, 2021

**(HARINDER SINGH SIDHU)
JUDGE**

gian

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No