

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(110)

CWP No. 21587 of 2021

Date of Decision : 18.05.2022

The Punjab State Cooperative Supply & Marketing Federation Ltd.

...Petitioner

Versus

Joginder Singh through his L.Rs. and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Vikas Singh, Advocate for the petitioner.

Harsimran Singh Sethi J. (Oral)

In the present petition, the prayer of the petitioner is for setting-aside the impugned order dated 23.04.2015 (Annexure P-2) as well as the order passed in Appeal dated 05.04.2017 (Annexure P-4) by which, the reference initiated under Section 55 of the Punjab Cooperative Societies Act, 1961 by the petitioner, has been rejected.

Learned counsel appearing on behalf of the petitioner argues that in the present case, respondents No. 1 and 2 were responsible for the deterioration of the wheat due to which, respondents suffered a loss and, therefore, the order passed by the authorities concerned on the reference initiated by the petitioner under Section 55 of the Punjab Cooperative Societies Act, 1961, is erroneous on facts as well as law. Learned counsel for the petitioner submits that it was the duty of the petitioner, who was working as Branch Manager to ensure that the wheat stored does not deteriorate and is dispatched at the earliest possible time. Learned counsel argues that as the respondents No. 1 and 2 failed to discharge their duties,

the wheat stock got deteriorated, due to which, a loss amounting to ₹22,06,216/- was suffered by the petitioner.

I have heard learned counsel for the petitioner and have gone through the record with his able assistance.

The order passed by the authorities concerned on the reference proceedings initiated by the petitioner under Section 55 of the Punjab Cooperative Societies Act, 1961 contains reasons to support the outcome. The factual aspect has been taken into consideration that the wheat was stored in open for a long time, which fact was to the knowledge of all the authorities concerned including the higher authorities but despite the fact that the petitioner raised the said grievance, nothing was done to save the wheat from deterioration and, therefore, petitioner cannot be blamed for the deterioration of the wheat stock. Once, on the basis of facts, an outcome of the proceedings, initiated by the petitioner under Section 55 of the Punjab Cooperative Societies Act, 1961, has been decided, this Court in the present proceedings cannot go into as to whether, the said factual aspect is correct or incorrect. This Court cannot go into the factual disputes, which are being raised by the respondents whether, petitioner did not perform his duties, as required under the Rules to save the wheat from deteriorating under Article 226 of the Constitution of India.

The findings recorded in the impugned order have been supported on the basis of the evidence hence, requires no interference by this Court. Consequently, the present petition is dismissed.

May 18, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No