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

CWP-1275-2016

Date of decision: 17.10.2022

**THE PUNJAB STATE COOPERATIVE OF LABOUR &
CONSTRUCTION FEDERATION LTD & ORS.**

...Petitioners

VERSUS

STATE OF PUNJAB & ORS.

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. D. V. Sharma, Senior Advocate with
Mr. Manbir Singh, Advocate
for the petitioners.

Mr. Mohit Kapoor, Addl. A. G., Punjab.

JAISHREE THAKUR, J. (Oral)

The instant writ petition has been filed under Articles 226/227 of the Constitution of India praying for issuance of a writ of certiorari, mandamus, prohibition or any other appropriate writ, order or direction which this Court may deem fit under the circumstances and for quashing the impugned letters dated 07.01.2016 (Annexure P-8) and dated 11.01.2016 (Annexure P-9) and for restraining the State Government from interfering in the management of the Society by seeking to transfer the share capital in the account of LABOURFED, Punjab, Chandigarh.

In brief, the facts as culled out are that the elections were to be held of LABOURFED and the election programme was sent to the Registrar, Cooperative Societies, Punjab, Chandigarh for approval vide letter No.912

dated 24.09.2015 (Annexure P-3). The resolution was passed by the Board of Directors to hold elections in its meeting held on 26.08.2015 and the same was forwarded for approval on 24.09.2015 to Registrar, Cooperative Societies, Punjab, Chandigarh, but the Registrar, Cooperative Societies, Punjab, Chandigarh neither approved the election programme nor rejected the same. As the election programme was not being approved, a writ petition was preferred in this Court i.e. CWP No.22677 of 2015, titled as Parvinder Singh versus State of Punjab and others, in this regard. The said writ petition was disposed of on 16.11.2015 by giving directions to the Registrar, Cooperative Societies, Punjab, Chandigarh to approve the election programme in accordance with law, within 15 days from the date of receipt of certified copy of the order. However, as the term of the Board of Directors had expired, the Registrar, Cooperative Societies, Punjab, Chandigarh while exercising his powers under Section 26 (1-D) of the Punjab Cooperative Societies Act, 1961 appointed Sh. Inder Mohan Singh, Additional Registrar, Cooperative Societies, Punjab as the Administrator of LABOURFED for first three months from 18.11.2015 to 17.02.2016 or till the elections of the LABOURFED, whichever is earlier. On appointment, the Administrator passed a resolution dated 30.11.2015 asking the Government to provide a share capital of Rs.30,00,000/- for betterment of cooperative labour and construction societies. This resolution was duly forwarded and the Finance Department in principle agreed to the said proposal vide Annexure P-8 dated 07.01.2016 and vide Annexure P-9 dated 11.01.2016, the said share capital was to be released. The elections were held on 05.01.2016 and the new Board of Directors came into existence, which revoked the aforesaid resolution as passed by the Administrator. As per the resolution

dated 12.01.2016 (Annexure P-12) of the newly elected Board of Directors, the resolution as passed by the Administrator was rescinded. The Society thereafter addressed letters to the authorities concerned i.e. the Financial Commissioner, Punjab, Chandigarh asking to withdraw the impugned letters, whereby approval had been given to forward Rs. 30,00,000/- as share capital money, however, as no action was taken on the said request, the instant writ petition has been filed.

Learned Senior Advocate appearing for the petitioners herein would strenuously argue that the Administrator as appointed by the Registrar, Cooperative Societies, Punjab, Chandigarh had no jurisdiction to pass any such resolution asking for the share capital money of Rs.30,00,000/-, which would in turn upset the membership holding of the members of the petitioner-federation and would give an opportunity for interference by a person, who is not a member. It is contended that the Administrator while passing the resolution dated 30.11.2015 asking for Rs.30,00,000/- as share capital to be invested by the Government in the Society did not take into account that the LABOURFED was not deficit and had a profit as could be made out from the balance sheet pertaining to the year ending 31.03.2015. It is further submitted that the respondents-State should withdraw the impugned letters releasing the amount of Rs.30,00,000/- and the petitioner-federation herein be permitted to refund the said amount.

Learned State counsel would submit that in fact, this writ petition has been rendered infructuous since the entire amount stands already refunded with interest into the account of the Government on 05.04.2019.

I have heard learned counsel for the parties and with their assistance have gone through the pleadings of the case.

It is an admitted fact that the Administrator as appointed by the Registrar, Cooperative Societies, Punjab, Chandigarh had passed a resolution dated 30.11.2015 asking for Rs.30,00,000/- to be invested by the Government towards share capital of LABOURFED. However, since the very resolution stands rescinded by the Board of Directors, which was newly constituted on 05.01.2016, this Court is of the opinion that the instant writ petition is not maintainable at this juncture. It is also an admitted fact that the petitioner-Society has already refunded the amount of Rs.30,00,000/- along with interest into the account of the Government on 05.04.2019 and as on date, the respondents-State has made no effort or attempt to challenge the resolution dated 12.01.2016 of the new Board of Directors rescinding the resolution dated 30.11.2015, there is no cause of action for any interference by this Court.

Consequently, the instant writ petition stands disposed of.

17.10.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No