

**230 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP-26506-2019

Date of Decision: 30.03.2022

Parmod Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Keshav Pratap Singh, Advocate,
for the petitioner.

Mr. Narinder Singh Behgal, AAG, Haryana.

Mr. Ramesh Sharma, Advocate,
for respondent No.3.

Mr. Bhag Singh, Advocate,
for respondent No.4.

HARSIMRAN SINGH SETHI J. (ORAL)

The present petition has been filed challenging order dated 26.04.2019 (Annexure P-13), vide which the order passed against respondent No.4, i.e. removing him from the membership of the Board of Directors of the Ambala Central Cooperative Bank Limited, Ambala, has been set aside in appeal.

Learned counsel for the petitioner argues that in the present case, vide order dated 26.04.2019, passed by the Additional Chief Secretary to Government of Haryana, Cooperation Department, the order dated 25.07.2018, passed by the Deputy Registrar of the Cooperative Societies, Kurukshetra, has been set aside, which is purportedly incorrect and contrary to the facts. Learned counsel for the petitioner submits that removal of

Central Cooperative Bank Limited, Ambala was perfectly valid and legal.

At this stage, learned counsel appearing for respondent No.4 submits that the present petition has been rendered infructuous for the reason that the term of respondent No.4 as a Member of the Board of Directors of the concerned Bank has already expired a year ago, therefore, at this stage even if the prayer of the petitioner is accepted, the same will be of no consequence as the membership of the petitioner has already attained finality.

Learned counsel for the petitioner submits that though the term of respondent No.4 might be over but once the petitioner is successful in this petition and the removal of respondent No.4 is revived, the respondent No.4 will also stand disqualified from contesting election to the Board of Directors of the concerned Bank in future as well.

Learned counsel for the petitioner relies upon Section 35 Sub-Clause 3 of the Haryana Co-operative Societies Act, 1984, which is as under:-

35. Removal of committee member

- x - x -

(3) A member who is removed under sub-section (1) shall be disqualified for being elected to any committee for such period not exceeding five years as the Registrar may fix and the said period shall commence from the date of passing the order.

- x - x -

I have heard learned counsel for the parties.

A bare perusal of the above would show that though there is a power of disqualification, on being removed under Sub-Clause 1 of Section

disqualification is to be fixed by the Registrar concerned, meaning thereby that while removing a Member, the disqualification needs to be mentioned in the order itself.

Learned counsel for the petitioner concedes that in the present case, respondent No.4 was only removed but there was no disqualification and there is no challenge at the hands of the petitioner for not imposing disqualification upon respondent No.4 by the Deputy Registrar of the Co-operative Societies, Kurukshetra, while passing order dated 25.07.2018.

Be that as it may, once there was no disqualification in order dated 25.07.2018, the revival of which is being sought by the petitioner, even if the same is revived, the same will not lead to any disqualification towards contesting elections, and therefore, once the term of respondent No.4 has already attained finality, no further orders are required to be passed in the present petition and the same is disposed of as such.

30.03.2022*Apurva***(HARSIMRAN SINGH SETHI)
JUDGE**

1. Whether speaking/reasoned : Yes
2. Whether reportable : No