

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

CWP No.7274 of 2023 (O&M)

Date of Decision.13.04.2023

The Punjab State Cooperative Supplies and Marketing Federation Ltd.

...Petitioner

Vs

Bant Singh and another

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Gourav Verma, Advocate
for the petitioner.

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JAISHREE THAKUR J. (ORAL)

1. The present writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Certiorari for quashing impugned order dated 24.11.2021 (Annexure P-5) passed by the Joint Registrar, Cooperative Societies, Ferozepur.

2. Facts in brief are that respondent No.1 was working in Markfed Branch, Fazilka as Branch Officer and was holding charge of wheat stock for the crop year 2005-2006 along with Jugraj Singh and Parshotam Lal. They dispatched 373261 bags weighing 187390.08.465 quintals from covered godowns and 137226 bags weighing 68698.17.725 quintals from open complexes of wheat crop 2005-06 from 15.10.2005 to 18.07.2006. Against these dispatches 2234.51.780 quintals of excess was required to be booked as per norm fixed by Markfed, Head Office, Chandigarh but they booked only 1624.75.675 quintals of excess from covered and open, thus, 609.70.105 quintals of excess was booked by them, which was less than norms and caused a loss Rs.5,31,206/- to Markfed. An enquiry was conducted and charges against the aforesaid officials were proved and it was concluded that the charged officials had caused a loss to the tune of Rs.5,31,206/-. As a result of the same, an amount of 1,77,069/-,

Rs.1,04,609/- (as Rs.72,169/- was deposited with Markfed) and Rs.1,77,069/- was to be recovered from Jugraj Singh, Bant Singh and Prashotam Lal respectively. In order to effect aforesaid recovery, arbitration proceedings were initiated against respondent No.1-Bant Singh and Prashotam Lal but the same were dismissed by the Assistant Registrar, Cooperative Societies, Ferozepur being time barred vide order dated 06.03.2014. An appeal was preferred against order dated 06.03.2014 before the Deputy Registrar, Cooperative Societies, Ferozepur by Markfed, which was decided on 22.11.2017 and respondent No.1 was ordered to deposit due amount of Rs.1,04,900/-. Against the decision passed by the Deputy Registrar, Cooperative Societies, Ferozepur, respondent No.1 preferred a revision petition before the Joint Registrar, Cooperative Societies, Ferozepur, which was allowed and the order dated 22.11.2017 passed by the Deputy Registrar, Cooperative Societies, Ferozepur was set aside. Aggrieved against the order passed by the Joint Registrar, Cooperative Societies, Ferozepur, present writ petition has been filed.

3. Learned counsel appearing for the petitioner would contend that the revision petition preferred by respondent No.1 before the Joint Registrar, Cooperative Societies, Ferozepur was barred by limitation, as it was filed in the year 2021 against the order passed in the year 2017 i.e. after four years. However, the said revision petition was allowed on the ground that proper notice was not delivered to respondent No.1. It was argued that in fact, registered letters dated 03.08.2016 along with notice dated 27.07.2016 and 14.06.2017 along with notice dated 13.06.2017 were sent to respondent No.1 for appearance during the pendency of the appeal before the Deputy Registrar, Cooperative Societies, Ferozepur but the same were returned back with the report that he was not available on the address. It was also argued that the same very address had been

mentioned in the revision petition, which shows that notices were not accepted by him intentionally.

4. I have heard learned counsel for the petitioner and perused the paper book. Admittedly, arbitration proceedings for recovery with respect to dispute related to the crop year 2005-2006 were initiated against respondent No.1 in the year 2013 i.e. after 6 years and 10 months whereas the same ought to have been initiated within a period of three years and therefore, arbitration proceedings were rejected by the Assistant Registrar, Cooperative Societies, Ferozepur vide order dated 06.03.2014. Thereafter, an appeal had been preferred by Markfed on 05.12.2014 against the order passed by the Assistant Registrar, Cooperative Societies, Ferozepur on 06.03.2014 i.e. after about 274 days whereas the appeal ought to have been preferred within a period of 60 days and thus, the appeal was also barred by limitation. The argument of counsel appearing for the petitioner that notices were sent to respondent No.1 for appearance is not sustainable, as no notice had been sent to respondent No.1 through registered post, rather letters were written to Markfed, Ferozepur to effect service upon him. There is no material available on record, which shows that notices were sent to respondent No.1 through registered post and service was complete qua him. The argument raised by counsel for the petitioner that the revision petition was barred by limitation is also not sustainable, as respondent No.1 came to know about the decision passed by the Deputy Registrar, Cooperative Societies, Ferozepur only in April, 2021 when he received summons from the Civil Court where execution application had been filed and thereafter, revision petition was filed by him against the order passed by the Deputy Registrar, Cooperative Societies, Ferozepur.

5. In fact, petitioner herein approached this Court on 15.02.2023 against the order dated 24.11.2021 i.e. after a period of more than one year. The petitioner herein adopted a lackadaisical approach at every stage and therefore, cannot be allowed to seek relief with respect to dispute arose in the year 2005-2006 at this stage. Consequently, the instant writ petition stands dismissed *in limine*.

(JAISHREE THAKUR)
JUDGE

April 13, 2023
Pankaj*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No