

104.

2023:PHHC:069884

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

**CM-8015-CWP-2023 AND
CWP-7608-2023**

Date of Decision: 15.05.2023

SURAT SINGH AND OTHERS

.... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Harbans Sharma, Advocate, for the applicant-petitioners.

JAISHREE THAKUR.J (Oral)

CM-8015-CWP-2023

This is an application that has been filed for preponement of the main case which is listed for 25.05.2023.

For the reasons mentioned in the application, the same is allowed. Hearing in the writ petition is preponed and the same is taken up for hearing today itself.

CWP-7608-2023

1. This is a petition that has been filed for issuance of a writ in the nature of certiorari for setting aside arbitration proceedings on the basis of which notice has been issued to the petitioners for hearing vide letter dated 03.02.2023 and fresh notice issued vide Annexures P-6 and P-7 dated 24.02.2023 by the Arbitrator. It is submitted that the arbitration reference is being heard in violation of the provisions of Sections 55/56 of the Punjab Cooperative Societies Act, 1961 (for short, 1961 Act) and rules framed

thereunder, as the dispute relates to the salary/honorarium paid to the employees of the Society and the arbitration reference can be made if the dispute touches constitution, management or business of the Society as per provisions of Section 55 of the 1961 Act.

2. The primary grievance of the petitioners herein is that the provisions of Sections 55/56 of 1961 Act would not be applicable to the proceedings pertaining to any service matter. Counsel appearing on behalf of the petitioners would rely upon *Morinda Cooperative Sugar Mills Limited Versus Morinda Cooperative Sugar Mills Workers Union, 2003(4) SCT 358* in this regard.

3. However, this Court is of the opinion that the matter is premature. The proceedings have just been initiated by the Assistant Registrar and the petitioners are at liberty to take all pleas available in accordance with law before the said authority who would consider the same.

4. The petition is thus disposed of as premature.

5. Needless to say, in case any application is filed regarding the maintainability and the jurisdiction of the authority concerned to entertain the proceedings, the same would be decided expeditiously preferably within a period of two months on receipt of said application.

(JAISHREE THAKUR)
JUDGE

15.05.2023

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No