

102.

2023:PHHC:066674

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(1)

CWP-3100-2018

Date of Decision: 09.05.2023

VIJENDER KUMAR AND ORS.

.... Petitioners

Versus

STATE OF HARYANA AND ORS.

.... Respondents

(2)

CWP-15361-2018

BALWANT SINGH AND ORS.

.... Petitioners

Versus

STATE OF HARYANA AND ORS.

.... Respondents

(3)

CWP-15623-2018

RAVINDER PAL MEHTA

.... Petitioner

Versus

STATE OF HARYANA AND ORS.

.... Respondents

(4)

CWP-20101-2018

INDERJEET SINGH AND ORS.

.... Petitioners

Versus

STATE OF HARYANA AND ORS.

.... Respondents

(5)

CWP-4272-2019

JYOTI WALIA

.... Petitioner

Versus

STATE OF HARYANA AND ORS.

.... Respondents

(6) CWP-7072-2019

SUNITA AND ORS.

.... Petitioners

Versus

STATE OF HARYANA AND ORS.

.... Respondents

(7) CWP-15624-2018

GURBHAG SINGH

.... Petitioner

Versus

STATE OF HARYANA AND ORS.

.... Respondents

(8) CWP-20708-2020

GURMAIL SINGH

.... Petitioner

Versus

STATE OF HARYANA AND ORS.

.... Respondents

(9) CWP-29850-2018

WILAYAT ALI

.... Petitioner

Versus

STATE OF HARYANA AND ORS.

.... Respondents

(10) CWP-5138-2018

BALWANT SINGH AND ORS.

.... Petitioners

Versus

STATE OF HARYANA AND ORS.

.... Respondents

(11) CWP-654-2019

BALWANT SINGH

.... Petitioner

Versus

STATE OF HARYANA AND ORS.

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sanjiv Gupta, Advocate, for the petitioner(s) in
CWP Nos.15623, 15624, 20101 of 2018; 654, 4272, 7072 of
2019; and 20708 of 2020.

None for the petitioners in CWP No.5138 of 2018.

None for the petitioners in CWP No.15361 of 2018.

Mr. Kshitij Sharma, Advocate, for the petitioners in
CWP No.3100 of 2018.

Mr. Ramesh Goyat, Advocate, for the petitioner in CWP
No.29850 of 2018 and for respondents No.11 to 16 in CWP
No.15361 of 2018, for respondent No.4 in CWP No.20101 of
2018.

Mr. Anant Kataria, DAG, Haryana.

Mr. Pardeep Solath, Advocate, Mr. Satbir Mor, Advocate and
Ms. Sarveesha Sharma, Advocate, for respondents No.6 and 7 in
CWP No.3100 of 2018; for respondent No.7 in CWP Nos.5138,
15361 of 2018 and for respondent No.4 in CWP Nos.15623 and
15624 of 2018.

Mr. Kamal Chaudhary, Advocate, for respondent No.4 in CWP
No.20708 of 2020.

JAISHREE THAKUR.J (Oral)

1. By this common order, this Court proposes to dispose of the
above mentioned 11 writ petitions, as the factual matrix is similar.

2. In brief, the facts as culled out are that the elections to the Board of Directors of the Panchkula Central Cooperative Bank Limited were to be held by framing 10 zones and the Societies falling in each of the 10 zones were to send their representatives to contest for the elections for the office of the said Board of Directors. The petitioners were nominated by a resolution and authorized by the concerned Primary Agricultural Cooperative Societies to participate in the election process but they could not cast their vote as the resolutions authorizing them were not accepted by the Zonal Committee. Aggrieved against the denial of representing the Primary Agricultural Cooperative Societies, the nominees approached this Court by way of writ petitions. In one of the writ petitions i.e. CWP No.15361 of 2018, the Coordinate Bench of this Court was pleased to allow the elections to carry on, however, the result not to be declared. In view of the said order, elections were held, however, result was not declared. Resultantly, the Board of Directors was never made functional and the Board of Administrators, which had initially been appointed and had conducted elections, continued to function. For some reason or the other, primarily on account of Covid-19, the matter could not be taken up for disposal, with the result that the Board of Administrators continued to function despite the fact that the elections were held on 10.06.2018. A period of almost 4 years 11 months has since elapsed from the date when the elections were held and fresh elections as mandated under the Haryana Cooperative Societies Act and the Rules framed thereunder, are to be held on completion of 5 years term of the earlier Board of Directors. Under the Rules, the process of holding fresh elections is to commence 120 days prior to the expiry of the term of the Board of Directors,

which in the instant case has not commenced so far. Under normal circumstances, if the election result had been declared and the Board of Directors allowed to function, their term would come to an end on 09.06.2023, which is short a month from today. In all normal circumstances, the election process ought to have commenced, which would have been notified on 9th or 10th of February, 2023.

3. At the moment, the question before this Court is whether the writ petitions ought to be decided regarding denial of voting rights of the petitioners. However, keeping in view the efflux of time and the pendency of the writ petitions in this Court itself for one reason or the other, fresh elections would have to be held in terms of the Act and the Rules framed thereunder within a period of one month from today. Therefore, without going into the question whether or not the Zonal Committee acted rightly in rejecting nomination papers, this Court proposes to set aside the election that was held and direct the Deputy Registrar/Board of Administrators to hold elections afresh in accordance with the law.

4. This order has been passed with the concurrence of the petitioners and the private respondents.

5. Writ petitions stand disposed of accordingly.

(JAISHREE THAKUR)
JUDGE

09.05.2023

sanjeev

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No