

2023:PHHC:157892

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CWP-27249-2023 (O&M)
Date of Decision:-11.12.2023

Ajit Singh and another ... Petitioners
Versus
State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Iqbal Singh Saggu, Advocate for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners assail election of respondent No.8 – Amarjit Singh as a Director from Zone-9 of Sangrur Central Cooperative Bank Limited mainly on the ground that aforesaid Amarjit Singh was not even a member of the primary society as per the list of members, which is part of audit report (Annexure P-1).
2. Learned counsel for the petitioner has drawn the attention of this Court to Section - 19 of the Punjab Cooperative Societies Act, which reads as under:

“19. Manager of exercising vote:-

- (1) Every member of a cooperative society shall exercising his vote in person and no member shall be permitted to vote by proxy.
- (2) Notwithstanding anything contained in sub-section (1), a co operative society which is a member of another cooperative society, may subject to the rules, appoint one of its members to vote on its behalf in the affairs of that other society.”

3. Learned counsel for the petitioner submitted that as per Section 19 of the Punjab Cooperative Societies Act, it is only such person, who is a member of the primary society, who can represent the affairs of such society in a central society, and could be elected as a member of the central society and that since respondent No.8 was not even a primary member, he could not have been elected as a member of the central society. Learned counsel has further submitted that although the petitioners had submitted representation dated 30.8.2023 (Annexure P-2) to respondent No.2 - The Registrar, Cooperative Societies, Punjab as well as to other officers, but to no avail.
4. Having heard learned counsel for the petitioners but without commenting anything as regards merits of the averments made in the petition, the instant petition is disposed of with a direction to respondent No.2 - The Registrar, Cooperative Societies, Punjab to consider and dispose of the representation dated 30.8.2023 (Annexure P-2) by passing a speaking order expeditiously preferably within a period of 4 months from today after duly examining the relevant record.
5. A copy of this order along with copy of representation dated 30.8.2023 (Annexure P-2) be sent to respondent No.2-The Registrar, Cooperative Societies, Punjab for necessary compliance.
6. Needless to mention, it shall be open to the petitioners to place on record the relevant documents/material before respondent No.2 - The Registrar, Cooperative Societies, Punjab.

11.12.2023

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**(Gurvinder Singh Gill)
Judge**Whether speaking /reasoned
Whether ReportableYes / No
Yes / No