

CWP-3807 of 2001

2024:PHHC:140885



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

CWP-3807 of 2001

Date of decision: 24.10.2024

Laftain Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. H.S. Bedi, Advocate,
for the petitioner.

Mr. Surya Kumar, AAG, Punjab.

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

NAMIT KUMAR, J.

1. Present petition has been filed by the petitioner under Articles 226/227 of the Constitution of India seeking a writ of *certiorari*, quashing the award dated 07.04.1997 (Annexure P-1) passed by Deputy Registrar, Cooperative Societies, Patiala; order dated 22.07.1998 (Annexure P-2) passed by Joint Registrar, Cooperative Societies, Patiala Division, Patiala, whereby appeal filed by the petitioner was dismissed and order dated 29.08.2000 (Annexure P-3) passed by the Special Secretary, Cooperative (Appeals), Punjab, Chandigarh, exercising the power of State Government under the Punjab Cooperative Societies Act, 1961 was dismissed.



2. Brief facts of the case, as have been pleaded in the petition, are that petitioner was working as Salesman with respondent No.4-Society. During physical verification, fertiliser of Rs.81,966.69 was found short, therefore, services of the petitioner were terminated by respondent No.4 in the year 1974 and on the basis of shortage of fertilizer during physical verification, an arbitration dispute for an amount of Rs.81,966.69 as principal, Rs.1639.31 as interest and Rs.12,540/- as costs totalling Rs.96,145.90 was raised against the petitioner. Arbitrator, vide award dated 07.04.1997 accepted the claim of respondent No.4 against the petitioner to the tune of Rs.52,500.86 as principal, Rs.52,500.86 on account of interest and Rs.250/- as costs totalling Rs.1,05,251.72. Aggrieved against the said award, petitioner preferred an appeal before the Joint Registrar, Cooperative Societies, Patiala Division, Patiala, which was dismissed vide order dated 22.07.1998. Thereafter, petitioner filed revision petition against the award as well as the appellate order, which too was dismissed vide order dated 29.08.2000. Hence, present writ petition.

3. Learned counsel for the petitioner submits that the petitioner has produced the requisite receipts before the Arbitrator through which the fertilizer was lifted by the employees of the society but the society did not make entries of those in the record of the society. If these entries were made in the register, then no amount of fertilizer is outstanding towards the petitioner. Petitioner was not associated at the time of physical verification of the stock.



4. Per contra, learned counsel(s) appearing for the respondents fervently and vehemently opposed the relief sought in the petition and submit that impugned orders passed by the concerned authorities are legal, justified, sustainable and have been passed in accordance with the provisions of the Act and after complying with the principles of natural justice and are, therefore, liable to be upheld.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. Admittedly, respondent-society filed an arbitration case of Rs.81,966.69 as principal, Rs.1,639.31 as interest and Rs.12,540/- as costs totalling Rs.96,145.90 against the petitioner on 10.04.1974 on account of shortage of fertilizer stock found during the physical verification. The Arbitrator, vide his decision dated 07.04.1997 after reducing the excess claim of Rs.29,465.83 from the principal amount of Rs.81,966.69, allowed the claim of Rs.52,500.86 as principal, Rs.52,500.86 as interest, Rs.250/- as costs totalling Rs.1,05,251.72 in favour of the society and against the petitioner. Petitioner was directed to deposit the said amount into two equal instalments i.e. 30.06.1997 and 30.09.1997 with the society and if the requisite amount is not deposited in the stipulated period, then the interest @ 6.5% shall continue till its recovery. Aggrieved by, the petitioner preferred an appeal which was dismissed vide orders dated 22.07.1998. Thereafter, petitioner filed revision petition, which too was dismissed vide orders dated 29.08.2000. The shortage of fertilizer stock was found in the physical verification against the petitioner as per record maintained by



the society. If the petitioner had got lifted the stock as per receipts presented before the Arbitrator then the stock at the time of supplying to the societies, should have been deducted in these dates. After examining the record, the Arbitrator did not accept the receipts as correct as at the time of physical verification, the total of these receipts was in excess of original receipts. The receipts produced by the petitioner during the arbitration proceedings regarding lifting of fertilizer could not be proved and established as genuine.

7. In view of the foregoing discussions, the impugned orders dated 09.4.1997 passed by Deputy Registrar (Co-op. Societies), Patiala, order dated 22.07.1998 passed by Appellate Authority and revisional order dated 29.08.2000 are upheld. The petition is, accordingly, dismissed, as bereft of merits.

24.10.2024
R.S.

(NAMIT KUMAR)
JUDGE

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