

Neutral Citation No. 2024:PHHC:058052

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

124

CWP-5916-2024 (O&M)
Date of Decision: 23.04.2024

Rajbir and others

.... Petitioners

Vs

Registrar, Cooperative Societies and others

..... Respondents

124-2

CWP-7625-2024 (O&M)

Rajbir and others

.... Petitioners

Vs

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Pardeep Solath, Advocate for both the petitioners.

Mr. Aman Bahri, Addl. A.G. Haryana.

SUVIR SEHGAL, J. (ORAL)

1. This order shall disposed of both the above writ petitions as they involve common question of law and fact.
2. Petitioners have filed CWP No. 5916 of 2024 for issuance of writ in the nature of mandamus for directing respondent No.1 to implement letter dated 02.02.2024, Annexure P-4, by fixing a date for holding meeting to consider the no confidence motion against Board

of Directors of respondent No.3.

3. Counsel for the petitioners submits that the elections of Board of Directors, The Jhajjar Central Co-operative Bank Limited-respondent No.3 (for short 'the Bank') were held in November, 2021 and respondent No.4 was elected as Chairman and respondent No.1 was elected as Vice Chairman in December, 2021. One of the elected members of the Board unfortunately expired in 2022 and the Board was left with 9 members. Alleging that respondent No.4 was working against the interest of the Bank, a no confidence motion was moved against her and a request was made to hold a meeting. When the meeting was not held, counsel submits that a complaint was submitted to the official respondents and by letter dated 02.02.2022, Annexure P-4, respondent No.1 directed respondent No.2 to act as Presiding Officer for the meeting of the Board of Directors. Counsel submits that despite the issuance of letter, Annexure P-4, the meeting never took place.

4. Advance copy of the petition was served upon the State.

5. State counsel has sought instructions from the officials respondents and has filed an affidavit of respondent No.1, which is taken on record and its relevant extract is reproduced hereunder:-

"4. That being aggrieved by the order dated 02.02.2024 (Annexure P-4), the Respondent No. 4 filed a Revision Petition No. 05/2024 titled as 'Smt. Neelam Vs RCS, Haryana and Others' in the Court of Additional Chief Secretary to Government, Haryana, Cooperation Department

under Section 115 of the Haryana Cooperative Societies Act, 1984 for quashing the order dated 02.02.2024 (Annexure P-4). The order dated 07.02.2024 were passed in the said Revision Petition vide which notices were issued to the respondents and the respondent no.1 i.e. Registrar Cooperative Societies, Haryana (the deponent) was directed to review/confirm the decision in the order dated 02.02.2024 after enquiring the matter/evidence as alleged in the complaint dated 03.01.2024. The relevant portion of the interim order dated 07.02.2024 is reiterated here under :-

“..... The Revision Petition has been heard in detail today, admitted and accordingly, notice be issued to all the respondents to (sic be) present in person or through their counsels on 22.02.2024. Further, respondent no. 1 i.e. RCS, Haryana is hereby directed to review/confirm the decision in the order dated 02.02.2024 after enquiring the matter/ evidence as alleged in the complaint dated 03.01.2024 against the petitioner i.e. Smt. Neelam within a period of 02 weeks.”

Copy of the above order is annexed as Annexure R-1/1.

5. That in compliance of the above order dated 07.02.2024, the deponent appointed Sh. Naresh Goyal, Joint Registrar Cooperative Societies as Enquiry Officer to enquire into the matter as alleged in the complaint dated 03.01.2024 and submit report at the earliest. Copy of this order

issued vide letter dated 11.03.2024 is annexed as Annexure R-1/2. However, Sh. Naresh Goyal, Joint Registrar Cooperative Societies, the Enquiry Officer was placed under suspension. Thereafter, Sh. Bansi Lal, Deputy Registrar Cooperative Societies has been appointed as Enquiry Officer vide office order dated 15.04.2024. Copy of order is annexed as Annexure R-1/3.

6. That the enquiry report is still awaited from Sh. Bansi Lal, Deputy Registrar Cooperative Societies. Once the enquiry report is received, the decision for reviewing/confirming the order dated 02.02.2024 will be taken and the same shall be submitted in the Court of Additional Chief Secretary to Government, Haryana, Cooperation Department in Revision Petition No.05/2024.”

6. Mr. Aman Bahri, Addl. A.G. Haryana, submits that the Inquiry Officer, is yet to submit a report and as soon as it is received, necessary action will be taken. He has also made a reference to the Section 34 of the Haryana Co-operative Societies Act, 1984 to submit that power has been vested in the Registrar Co-operative Societies to supersede a committee or to order fresh elections or appoint an Administrator to manage the affairs of the society, after serving it with the show cause notice, in case, the Registrar is of the opinion that committee has committed any default.

7. Counsel for the petitioners has not been able to rebut the submission of the State counsel. Rather, he submits that the petitioners have filed the connected petition (CWP-7625-2024) assailing the

order dated 07.02.2024 passed by revisional Court. He contends that the revision petition is not maintainable and it has been filed without impleading the petitioners as parties.

8. I have considered the respective submissions of the counsel for the parties.

9. Impugned order dated 02.02.2024, Annexure P-4, is under challenge in a revision petition preferred by respondent No.4 under Section 115 of the Act wherein an interim order has been passed directing respondent No.1 to review/confirm its decision after inquiring into the matter. An Inquiry Officer has also been appointed and his report is awaited.

10. In view of the above development, no relief can be granted to the petitioners in both the petitions, which are hereby dismissed. However, liberty is granted to them to move an appropriate application before the revisional authority for being impleading as parties to the revision petition. In case, any such application is filed, the revisional authority would consider it on its merits and decide it as expeditiously as possible, uninfluenced by any observation made hereinabove.

23.04.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No