

110

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-6017-2024
Date of decision: 14.03.2024

SUBHASH CHANDER SHARMA

...Petitioner

VERSUS

THE REGISTRAR, CO-OPERATIVE SOCIETIES HARYANA AND
OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Surender Singh Dalal, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing order dated 13.10.2023 (Annexure P-7) and order dated 19.02.2024 (Annexure P-9) passed by the Assistant Registrar, Cooperative Societies, Ambala, Haryana.
2. Learned counsel for the petitioner submitted that vide Annexure P-4, the General Assembly has passed a Resolution to pay the petitioner his retiral benefits. He further submitted that however, the Assistant Registrar, Cooperative Societies, Ambala has issued notice to the petitioner and he has exceeded his jurisdiction since the aforesaid Resolution cannot be set aside because there is no reason for the same. He referred to Annexure P-7 and Annexure P-9 in this regard, wherein it was also directed that the case of

surcharge be also prepared against the petitioner and information be also collected with regard to the movable and immovable properties of the petitioner. He further submitted that such kind of order was not sustainable and the Assistant Registrar, Cooperative Societies, Ambala has not even taken a final decision on the notice issued by him. He also submitted that, at this stage, the present petition may be disposed of with a limited direction that the Assistant Registrar, Cooperative Societies, Ambala be directed to consider the reply filed by the petitioner, if already filed and if not filed, then the same be filed within a period of two weeks from today and thereafter, after hearing the petitioner or his counsel only then the Assistant Registrar, Cooperative Societies, Ambala may pass a final order strictly in accordance with law.

3. Notice of motion.

4. Mr. Samarth Sagar, Addl. A.G., Haryana, accepts notice on behalf of respondents No.1 to 3 only, at this stage. He submitted that in view of the limited prayer made by the learned counsel for the petitioner, he has no objection in case the Assistant Registrar, Cooperative Societies, Ambala is directed to pass a final order on the aforesaid order dated 13.10.2023 (Annexure P-7) strictly in accordance with law after hearing the petitioner or his counsel.

5. In view of the limited prayer made by the learned counsel for the petitioner and the statement made by the learned State counsel, the present writ petition is disposed of with a direction to the Assistant Registrar, Cooperative Societies, Ambala to consider the reply, if any, filed by the petitioner and in case no reply has been filed, then the petitioner may file reply/representation within a period of two weeks from today to the office of the Assistant Registrar, Cooperative Societies, Ambala and after considering the reply/representation

and only after hearing the petitioner or his counsel, the Assistant Registrar, Cooperative Societies, Ambala shall pass a final order strictly in accordance with law and after considering all the grounds taken by the petitioner in the reply/representation, within a period of two months thereafter.

14.03.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No