



157 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-1279-2026(O&M)
Date of decision: 04.05.2026

THE BANCHARI M. PRIMARY
AGRICULTURE COOPERATIVE SOCIETY LTD. ...Appellant

Vs.

THE REGISTRAR COOPERATIVE SOCIETIES ...Respondents

CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR

Present: Mr. Nikhil Sharma, Advocate
for the appellant.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This appeal is filed by the Society challenging the order dated 22.01.2026 passed by the learned Single Judge, whereby the writ petitioners have been relegated to the remedy of approaching the Registrar, Cooperative Societies, Haryana under the provisions of the Haryana Cooperative Societies Act, 1984 and Rules of 1989. In para 8 and 9, learned Single Judge has observed as under:-

"8. Having heard learned counsel for the parties and after perusing the record the case, it transpires that the petitioners claim themselves to be appointed as temporary employees by the Managing Committee which is according to the petitioners is competent to make appointments in terms of Rule 10. At the same time the petitioners are relying upon the Rules to say that the termination is bad in law and power vests in the Managing Committee to dismiss any employee whose work and conduct is not satisfactory



under Rule 10 (3). During the course of arguments, reliance has been placed on Section 27 of the Cooperative Act, which confers power upon the Registrar, Cooperative Societies to rescind a resolution passed by the Society. This Court, while exercising its jurisdiction under Article 226 of the Constitution, cannot undertake a fact-finding inquiry into disputed questions of fact. The determination of several contested issues, such as whether there was a genuine shortage of staff in the society, whether the managing committee corresponded with the relevant authorities seeking approval for regular appointments, and whether the appointments in question were made transparently and in accordance with due process following a proper selection procedure, would require a perusal of record and delving into the facts. In such cases, the High Court cannot transform itself into a court of first instance to re-appreciate evidence, decide intricate factual disputes or undertake fact finding inquiry.

9. In the considered opinion of this Court, respondent No.1 would be the competent authority to decide the issue involved in the present case. The Registrar, Cooperative Societies, Haryana is directed to examine the veracity of the rival claims after perusing the relevant record and decide the same by passing a speaking order after affording an opportunity of hearing to the petitioners, within a period of 03 months from the date of receiving a certified copy of this order. Till then, the interim order granted in favour of the petitioners shall enure."

2. The limited grievance, which is raised by the Society is that the Registrar is not deciding the matter and that the respondents are allowed to continue in the employment against the wishes of the Society. The jurisdiction



of the District Assistant Registrar to pass orders in favour of the writ petitioners is also questioned.

3. Be that as it may, it remains undisputed that various factual issues do arise for consideration by a fact-finding authority. The jurisdiction of the Registrar to go into such issues under the provisions of Haryana Cooperative Societies Act is not disputed.

4. In such circumstances, we find no error in the view taken by the learned Single Judge in relegating the factual issues for determination by the Registrar at the first instance. The order of the writ Court has been passed only on 22.01.2026 and the period of three months as directed otherwise was to expire on 21.04.2026. Hardly any time has expired since then.

5. We are therefore not inclined to entertain the present appeal only on the ground that the Registrar has not decided the issues within a period of three months. It goes without saying that the Registrar would have to hear the parties concerned and invite the respective comments of the parties. In such circumstances, no occasion arises for this Court to interfere with the judgment of the learned Single Judge.

6. The appeal accordingly fails and is dismissed.

7. Pending application(s), if any, stand(s) disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

04.05.2026

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Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No