

(2013) 11 SHI CK 0017
In the High Court Of Himachal Pradesh
Case No : CWP No. 9391 of 2012-J

Daulat Ram

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 20-11-2013

Acts Referred:

Citation : (2013) 11 SHI CK 0017

Hon'ble Judges : Sanjay Karol, J;Kuldip Singh, J

Bench : Division Bench

Advocate : Dushyant Dadwal, for the Appellant; Shrawan Dogra, Advocate General, Mr. D.C. Pathik, Addl. AG and Mr. Ramesh Thakur, Assistant Advocate General for Respondent No. 1, Mr. Balwant Singh and Mr. Guna Nand Verma, Advocates, for the Respondent

Final Decision : Disposed Off

Judgement

Sanjay Karol, J.—Petitioner herein has assailed the order dated 13.07.2012 passed by Additional Chief Secretary (Cooperative) to the Government of Himachal Pradesh in case No. 8/2011, titled as Shri Daulat Ram Versus The Mehnjha Cooperative Society. We find that petition filed by the present petitioner, u/s 94 of the Cooperative Societies Act, 1968 (hereinafter referred to as Act), assailing order dated 08.09.2010, passed by Additional Registrar Cooperative Societies Dharamshala, stands rejected only on the ground that second revision petition is not maintainable. We are of the considered view that the authority below erred in correctly and completely construing and interpreting the provisions of the Statute. Power vested with the State Government, u/s 94 of the Act, is distinct and separate from the revisional powers vested with the Additional Registrar, Cooperative Societies. We find that amplitude of Section 94 is wide enough and would take in its sweep, powers of calling or entertaining petitions other than the one in which appeal is preferred u/s 93 of the Act. In exercise of its revisional jurisdiction, the authority can call for and examine any record of inquiry or inspection under the Act or the proceedings of any person

subordinate to him, acting on his authority. The revisional authority can also call for proceedings of the "Registrar or any person subordinate to him". Such revisional power is to be exercised if the order is perverse, erroneous or illegal and can modify, annul or reverse any order passed by the Registrar. Revision petition against an order passed by the Assistant Registrar Cooperative Societies, would lie u/s 94 of the Act.

2. As such, in our considered view, the impugned order cannot be said to be sustainable in law, not being in consonance with the spirit of the Statute. Resultantly, we quash the same and remand the matter back to the authority concerned with a specific direction to decide the petition within a period of three months, in accordance with law. We direct the parties to appear before the authority concerned on 06.12.2013.

With the aforesaid observations, petition stands disposed of, so also the pending application(s), if any.