
(2013) 07 P&H CK 0575
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 11247 of 2012

Gurmeet Singh

APPELLANT

Vs

Registrar, Cooperative Societies and Others

RESPONDENT

Date of Decision : 22-07-2013

Acts Referred:

Citation : (2013) 07 P&H CK 0575

Hon'ble Judges : Rakesh Kumar Jain, J

Bench : Single Bench

Advocate : Dinesh Kumar, for the Appellant; A.P.S. Mann, Addl. A.G. Punjab Ms. Manvinder Preet Kaur, Advocate for Mr. S.S. Salar, Advocate for Respondent Nos. 3 and 4 and Mr. Ashish Gupta, Advocate, for the Respondent

Final Decision : Dismissed

Judgement

Rakesh Kumar Jain, J.—The petitioner has challenged the resolution dated 23.12.2011 in which respondent No. 5 has been elected as President of respondent No. 3. As per the case of the petitioner, there are nine members of the Administrative Committee of the Narike Multipurpose Cooperative Agricultural Services Society, Narike. The petitioner himself was the President of the said society. He himself tendered his resignation which is reflected in his affidavit dated 21.12.2012 attached as Annexure R-1 with the petition. Consequently, the meeting was convened on 23.12.2011 for which agenda notice dated 06.12.2011, was circulated.

3. The meeting was held on the stipulated date in which six members out of nine members came present but two of them left and four members including the petitioner signed the proceedings of the meeting. In the said meeting, respondent No. 5 was elected as President of the society.

4. Grievance of the petitioner in this case is that agenda notice of the meeting dated 23.12.2011 was not served upon all the members of the society which is contrary to Rule 8 of the Punjab Cooperative Societies Rules, 1963 (for short, the

Rules) as per which 15 days notice is required to be served upon the members.

5. When notice was issued, operation of the impugned order dated 23.12.2011 was also stayed by this Court.

6. Learned counsel for respondent No. 5 has submitted that neither the petitioner has any remedy in terms of Rule 80 (i) (a) of the Rules, but also he does not have any case because he himself had attended the meeting in which six members came present. Even if, two of them left, the meeting was held in the presence of four members which is sufficient to carry on the meeting in view of Appendix B Part-C which attracts that quorum of a meeting shall be 1/3rd of the total members of the committee.

7. I have heard learned counsel for the parties and perused the record.

8. I find that the proceedings taken without any presence of the members deserves to be dismissed because Appendix B Part C of the Rules provides that in case, in a meeting of the committee, quorum required is only 1/3rd members of the committee. In the present case, there are nine members of the committee, out of which four attended the meeting of the committee including the petitioner. Though, the quorum required was 1/3rd i.e. three out of nine members and since it has been passed by the second quorum, no fault can be found in the petition because the agenda notice was allegedly served upon the members of the committee. Had it been so, the other members of the committee would have joined the proceedings to make a complaint. But since no fault has been found in the meeting by any one except the present petitioner, this petition is found to be totally motivated which is filed to serve the purpose of the petitioner. In view of the aforesaid discussion, the present writ petition is hereby dismissed.