

(1982) 01 P&H CK 0021
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 4082 of 1981

Harbans Singh Romana and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 27-01-1982

Acts Referred:

Citation : AIR 1983 P&H 334

Hon'ble Judges : D.S. Tewatia, J

Bench : Single Bench

Judgement

1. Four out of the nine elected Directors of the Board of Directors of the Faridkot Central Co-operative Bank Ltd., Faridkot, who were elected as Directors of the said Board of Directors in September, 1978, for a term of 3 years, as envisaged u/s 26 of the Punjab Co-operative Societies Act, 1961 and bye-law 31 of the Bye-laws of the said Bank, have challenged the order dated 15-6-1981(Annexure P-1 to this petition) of the Joint Registrar, Co-operative Societies, Ferozepur Division, Ferozepur, directing the Manager of the said Bank to take steps for the election of the Directors of the new Board of Directors in pursuance of the provisions of Section 28(1-C) of the Act, on the ground that the President and the Vice-President were elected only on January 31, 1979, for a term of three years, as per bye-law 33 and since the term of the President and the Vice-President has to be conterminus with that of the Committee and their term as per bye-law 33 was to expire on January 31, 1982, the term of the Committee, too, was to expire on January 31, 1982, and not on September 6, 1981, by which date the impugned order had envisaged a fresh election of the Directors.

2. The relevant provisions of the statute and bye-laws deserve notice at the very outset :

3. The provisions of Section 26(1-B) and (1-C) are in the following terms.

Section 26(1B) :

"The term of office of a committee shall be three years :

xxx xxx

Section 26(1C) :

"Each committee shall, ninety days before the expiry of its term, make arrangements for the constitution of a new committee in accordance with the provisions of this Act and rules and bye-laws made thereunder."

Bye-law 31 :

"31. The terms of the Board of Directors shall be 3 years. The election of the Board of Directors shall be conducted in the manner laid down in the Punjab Co-operative Societies Act. The Rules and the instructions issued by the Registrar in this behalf from time to time.

* * * * *

33. The Board of Directors/Managing Committee shall elect a president, a Vice-President and or a Managing Director from amongst themselves. "They should hold office for three years." If the petitioners' contention is accepted that the term of the Directors shall have to be co-extensive with that of the President and Vice-President, then the Directors cannot extend their own term by deferring the election of the President and Vice-President till after the fag-end of their term and then claim that since the term of the President and Vice-President under the bye-law is three years, so the members of the Board would be entitled to function as such for that extended period which would be co-extensive with the term of the President and Vice-President. The contention is, obviously, untenable. The Directors cannot be permitted to have their term longer than the one provided by Section 26(1B) of the Act.

4. It was argued on behalf of the petitioners that since bye-law had provide a term of three years to the President and the Vice-President so whenever President and Vice-President are elected, they would be entitled to enjoy a term of three years by virtue of bye-law 31 and surely President and Vice-President being the creation of the Board of Directors the Board of Directors would enjoy the same term as the President and Vice-President.

5. The contention advanced is without any merit. The provisions of the bye-laws have to be read in consonance with the provisions of the statute. When a given bye-law provides for a given term for the office-bearers of the Board of Directors it, by implication, envisages that the office-bearers are to be elected by the Board of Directors immediately upon the election of the Committee of the Board of Directors, as the case may be. If for some reason, the election of the office-bearers is delayed, then the term of the office-bearers would be co-extensive with the term of the Committee and their term by virtue of any bye-law would not go beyond that term, because neither the bye-law nor the statute envisages that the Board of Directors is to function only from the date it has elected its

office-bearers. The respondent in his written statement has mentioned that the Board of Directors had started functioning immediately after its election and had taken as many as 53 vital decisions between September and December, 1978. The position would have been otherwise if the Board of Directors could not function without electing its President and Vice-President. Such is not the case here.

6. For the reasons aforementioned I hold that there is no merit in this petition and the same is dismissed. No order as to costs.

7. Petition dismissed.