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**(2008) 09 P&H CK 0038**  
**In the Punjab And Haryana At Chandigarh**

Iqbal Singh and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

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**Date of Decision :** 26-09-2008

**Acts Referred:**

Punjab Co-operative Societies Act, 1961 — Section 26A

**Citation :** (2009) 153 PLR 55 : (2009) 3 RCR(Civil) 528

**Hon'ble Judges :** Satish Kumar Mittal, J;Jaswant Singh, J

**Bench :** Division Bench

**Final Decision :** Dismissed

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## Judgement

Jaswant Singh, J.—This order will dispose of CWP Nos. 13311, 13323 and 13443 of 2007 as common questions of facts and law are involved in these writ petitions.

2. Petitioners, namely Iqbal Singh (C.W.P. No. 13311 of 2007), Gurbachan Singh (C.W.P. No. 13323 of 2007) and Karnail Singh (C.W.P. No. 13443 of 2007) who are three, out of six elected committee members, elected from different zones of respondent No. 3 The Nabha Primary Cooperative Agricultural Development Bank Limited, Nabha (for short Primary Bank) have filed the aforesaid respective writ petitions challenging the action of the respondents whereby they have been ordered "to be ceased to be the members of the Managing committee of the Primary Bank, on account of having absented themselves from three consecutive meetings of the Board of Directors of respondent No.3-Primary Bank held on 4.10.2006, 5.3.2007 and 26.3.2007."

3. For the sake of convenience facts are being taken and dealt with from C.W.P. No. 13311/2007.

4. Facts in brief are that petitioner was elected as a member of the Managing Committee/Board of Directors of respondents No. 3-Primary Bank, in the election held on 6.8.2005 from Tohra Zone. In all, six Committee Members were elected from different zones. Apart from the elected members, co-option of two

committee members from the weaker sections has also to be made as per Section 26-A of the Punjab Cooperative Societies Act, 1961 (for short the "1961 Act"). As per provisions of Bye Law 28 of the registered Bye Laws of the Primary Bank, the members of the Managing Committee/Board of Directors are also required to elect from amongst themselves the office bearers i.e. the President and Vice President of the Primary Bank.

5. It is the case of the petitioner that despite many requests since August 2005 no meeting was convened for co-option of the two members as well as the election of office bearers. However, due to mala fide action on the part of the Manager of the Primary Bank, three consecutive meetings in a short span of time were held on 4.8.2006, 5.3.2007 and 26.3.2007, which the petitioner could not attend and was issued a show cause notice dated 21.5.2007 by respondent No. 2- Deputy Registrar Co-operative Societies, to show cause as to why he shall not cease to be Committee Member of the Primary Bank on account of remaining absent for the aforesaid three consecutive meetings. Petitioner appeared before the Deputy Registrar on 7.6.2007 and submitted his reply, who has passed the impugned order dated 28.6.2007 (Annexure P/3). Aggrieved against the same the petitioner filed revision petition u/s 69 of the 1961 Act before respondent No. 1 and the same was also dismissed vide impugned order dated 14.8.2007 (Annexure P/4). Hence the present writ petition.

6. Respondents, upon notice have filed separate replies on identical lines. It has been stated that the Manager of the Primary Bank had reported vide his letter dated 8.5.2007 (Annexure R3/1) that the petitioner had failed to attend three consecutive meetings of Managing Committee/Board of Directors of the Primary Bank on the aforesaid three dates despite proper service by UPC. It has been further stated that in response to the show cause notice dated 21.5.2007 (Annexure R3/2) the petitioner had appeared and submitted his reply (Annexure R2/2) wherein he had admitted that he could not attend three consecutive meetings of the Primary Bank held on 4.10.2006, 5.3.2007 and 26.3.2007 due to personal reasons and further assured to attend meetings of the Primary Bank in future. It has been further stated that the co-option and election of the office bearers could not take place for one reason or the other which has no bearing on the adjudication of the present dispute.

7. In the other connected writ petitions filed by Gurbachan Singh and Karnail Singh, position is the same and copies of their replies to the identical show cause notice dated 21.5.2007 have been annexed as Annexure R2/2 in both the cases wherein they have admitted that due to personal reasons they could not attend the aforesaid three consecutive meetings. In case of Gurbachan Singh there is an additional ground of his being a defaulter for not repaying the loan taken from the Primary Bank in time.

8. We have heard learned Counsel for the parties and perused the paper books. In our opinion the writ petitions must fail.

9. It is not disputed that as per Bye Law 33 of the registered Bye Laws of the respondent No. 3-Primary bank, any elected member of the Managing Committee of the Primary Bank can be removed as such if he/she absents himself/herself from three consecutive meetings of the Committee without sufficient reasons. It is also not disputed that all the three petitioners/elected members, namely, Iqbal Singh, Gurbachan Singh and Karnail Singh had failed to attend three consecutive meetings held on 4.8.2006, 5.3.2007 and 26.3.2007 for the functioning of the Primary Bank. It is also not disputed that all the three petitioners were issued show cause notices in that regard and they filed their respective replies admitting that they failed to attend the aforesaid three consecutive meetings due to personal/family reasons. The competent authority i.e. The Deputy Registrar Cooperative Societies-respondent No. 2 after considering their replies has passed the impugned order dated 28.6.2007 ordering that the petitioners ceased to be members of the Managing Committee of the respondent No. 3-Primary bank in terms of Bye-Law No. 33.

10. We find that in view of factum of absence of petitioners from three consecutive meetings, their admissions in this regard and provisions of Bye Law 33, no illegality can be found with the impugned order dated 28.6.2007 (Annexure P/3) passed by respondent No. 2 as well as revisional order dated 14.8.2007 (Annexure P/4).

11. Consequently, finding no merit, all the three writ petitions are hereby dismissed.

No costs.

Sd/- Satish Kumar Mittal. J.