
(1993) 03 P&H CK 0005
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 2195 of 1981

Rajander Singh

APPELLANT

Vs

The State of Haryana and Others

RESPONDENT

Date of Decision : 18-03-1993

Acts Referred:

Constitution of India, 1950 — Article 226, 227
Punjab Co-operative Societies Act, 1961 — Section 55, 56

Citation : (1993) 104 PLR 680

Hon'ble Judges : M.R. Agnihotri, J

Bench : Single Bench

Advocate : Nemo, for the Appellant; Nemo, for the Respondent

Final Decision : Allowed

Judgement

M.R. Agnihotri, J.—The petitioner was working as Cashier of the Baroda Cooperative Credit and Service-Society Limited, Baroda, Tehsil Gohana, District Sonapat. Respondent No. 3, Kartar Singh, Inspector, Cooperative Societies, Mudlana Tehsil Gohana, made some complaint to the Assistant Registrar, Cooperative Societies, Sonapat respondent No, 2, against the petitioner, and treating the same as reference under Sections 55/56 of the Punjab Cooperative Societies Act, 1961 the Assistant Registrar gave his award dated 30th August, 1977 (Annexure P/1), to the effect that "the amount Rs. 13,193/- as principal, and interest Rs. 5,772/- at the rate of 16% is recoverable from Sh. Rajender Singh s/o Sh. Neki, former cashier to pay the above mentioned amount to the Baroda. Cooperative Credit and Service Society Ltd., Baroda. if it is not paid within a specific period, the amount may be realised through the civil court either by the sale of all property of the debtor and his sureties by way of decree. The interest at the rate of 6% will be charged on the principal amount after 31-7-1977 by way of decree.

2. This award has been challenged by the petitioner on a variety of grounds, the principal ground being, that no dispute was ever referred by the Society to the

Assistant Registrar, respondent No. 2 for adjudication, and until and unless there was a valid reference, respondent No. 2 could not initiate proceedings under Sections 55/56 of the Punjab Cooperative Societies Act.

3. The respondents have not filed any written statement to the writ petition, though the petition was admitted about twelve years ago, Thus, I have no option but to dispose of the case by taking the averments of the petitioner as correct. In fact, a bare look at the impugned award dated 30th August, 1977, would show that there was no proper reference at all for adjudication of the dispute under Sections 55/56 of the Punjab Cooperative Societies Act, and its absence, the learned Assistant Registrar had no jurisdiction to initiate the proceedings. Otherwise also, the procedure adopted during the adjudication proceedings is also not satisfactory For authority reference may be made to *Rup Chand v. State of Haryana* 1980 P.L.J. 48.

4. Consequently, I allow this petition and quash the impugned award dated 30th August, 1977 (Annexure P/1). There shall be no order as to costs.