
(1995) 03 P&H CK 0033
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 2555 of 1981

Ram Dhan and Another	Vs	APPELLANT
State of Haryana and Others		RESPONDENT

Date of Decision : 30-03-1995

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1995) 110 PLR 670

Hon'ble Judges : T.H.B. Chalapathi, J

Bench : Single Bench

Advocate : C.B. Kaushik, G.S. Sandhu, for the Appellant; Vijay Pal Singh, A.A.G., for the Respondent

Final Decision : Dismissed

Judgement

T.H.B. Chalapathi, J.—This petition is filed for the issuance of a writ of certiorari to quash the orders of the respondents 1 and 2.

2. The petitioners are the members of the managing committee of the Balah Agriculture Co-operative Society. The petitioners got a loan sanctioned from the Karnal Central Co-operative Bank in the year 1973 for distribution among the members of the Primary Society. But they did not distribute the said amount among the members of the society. Therefore, the members of the managing committee of the society mis-appropriated the said amount. Subsequently the Balah Agriculture Cooperative Society went into liquidation and a Liquidator had been appointed. After the liquidator had taken charge, he referred the dispute u/s 55 of the Punjab Co-operative, Societies Act to the Arbitration by the Assistant Registrar, Co-operative Societies. The Assistant Registrar, Co-operative Societies passed an award on 5th December, 1977, directing all the members of the managing committee to pay the said amount of Rs. 37,595/- drawn from the Karnal Central Co-operative bank with interest @ 12 percent along with costs of Rs. 500/-. Aggrieved by the same, the appellants and other members of the managing committee preferred appeals to the Joint Secretary (Co-operation),

Haryana who by his order dated 31st March, 1981, dismissed the appeals. Challenging the order of the Assistant Registrar confirmed by the Joint Secretary (Co-operation), the petitioners filed the above writ petition.

3. There is no dispute that an amount of Rs. 37,595/- was obtained by the members of the Managing Committee of the Balah Agriculture Co-operative Society as loan to be distributed among its members. It is not the case of the petitioners or any other member of the managing committee that the, said amount had been distributed among the members of the Co-operative Society Bank was admitted. If that is the case, it is for the members of the managing committee which include the petitioners to show how the amount drawn from the Kamal Central Co-operative bank had been utilised. The petitioners have not adduced, any evidence in this regard. The Assistant Registrar Co-operative Societies referred to the material on record and passed an award against all the members of the managing committee of the society. I do not find any illegality in the order of the Assistant Registrar as confirmed by the Joint Secretary (Co-operation). While exercising jurisdiction under Article 226 of the Constitution, this Court will not sit in judgment of the appellate authority. The question whether the evidence before the authorities is sufficient or not cannot be gone into the writ proceedings. The award given by the Assistant Registrar was based only on questions of fact. As already observed, it is for the petitioners to show how the amount obtained from the Karnal Central Co-operative Bank had been utilised. Admittedly the amount was not disbursed to the members of the society. On these facts, the petitioners cannot escape their liability as members of the managing committee of the society. I do not therefore, find any grounds warranting interference and to quash the orders passed by respondents 1 and 2. The petition therefore, fails and is dismissed.