
(1976) 12 P&H CK 0007
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ No. 8167 of 1976

Tejinder Paul Mann

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 16-12-1976

Acts Referred:

Citation : (1977) PLJ 194 : (1984) RRR 312

Hon'ble Judges : M.R.Sharma, J and S.S.Sidhu, J

Advocate : Mr. Ashok Bhan, Advocate., Advocates for appearing Parties

Judgement

M.R. Sharma J.

1. Quite a large number of points have been raised in this petition. We do not propose to consider all of them at the moment and wish to dispose of the petition on the following point only :

Whether respondent No. 2, exercising coordinate jurisdiction, can withdraw or modify the ad interim order dated October 29, 1976 (Annexure P/3 with the writ petition), passed by respondent No. 3 in the absence of the petitioner ?

The facts necessary for decision of this point are that on October 26, 1976, nomination papers for the election of the members of the Managing Committee of the Karnal Central Cooperative Bank, Karnal (respondent No. 4), were invited. The petitioner filed his nomination papers and since the nomination papers of the candidate opposing him were rejected, he was declared elected unopposed. One Nafe Singh respondent No. 7, raised objection under section 55/56 of the Punjab Cooperative Societies Act, 1961 (hereinafter referred to as the Act), as applicable to Haryana State, before the Deputy Registrar, Cooperative Societies, Karnal (respondent No. 3), who entertained this dispute and passed an order staying the finding given by the Returning Officer regarding the unopposed election of the petitioner. The result of this order being that even though the petitioner had been declared elected unopposed, he was not treated as such. The petitioner then applied to the Registrar, Cooperative Societies, Haryana, for the transfer of

the case from the file of Shri Dharam Chand (respondent No. 3). This fact is apparent from the petition dated November 8, 1976, filed by him before the Joint Registrar, Cooperative Societies, Haryana (respondent No. 2), to whom the case had been transferred. However, the Joint Registrar, Cooperative Societies (respondent No. 2) held that since the ad interim order had been passed by the officer exercising the powers of the Registrar, it was not within this competency to review that matter.

2. The ad interim order had been passed in the absence of the petitioner. The power to pass such an order includes the power to withdraw or modify the same order after hearing the affected party. It makes no difference whether the earlier order has been passed by an officer of the coordinate jurisdiction. We accordingly set aside the order dated November 19, 1976 (Annexure P/5 with the writ petition) and direct respondent No. 2 to redecide the matter after hearing the petitioner.

3. It has been submitted on behalf of the petitioner that he is a candidate for the election to the office of the Chairman of the Karnal Central Cooperative Bank and if this election is held, he would lose a valuable right. On behalf of the respondents, it has been urged that the election to the office of the Chairman of the Karnal Central Cooperative Bank should not be postponed because that would seriously prejudice the interests of respondent No. 4. After giving a careful consideration to the argument advanced, we direct that the election to the office of the Chairman, Karnal Central Cooperative Bank, should not be held for a period of seven days or such time as the matter receives the attention of respondent No. 2, whichever is earlier. Parties through their counsel are directed to appear before the Joint Registrar, Cooperative Societies, Haryana (respondent No. 2), on December 20, 1976. For the sake of abundant caution, we wish to further clarify that it will be open to the Joint Registrar, Cooperative Societies (respondent No. 2), to stay or not to stay the election to the office of the Chairman of respondent No. 4.

4. The arbitration proceedings shall also be disposed of expeditiously by respondent No. 2, preferably within a period of one month.