
(1978) 03 P&H CK 0008
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ No. 373 of 1977

Tejinder Paul Mann

APPELLANT

Vs

The State of Haryana and others

RESPONDENT

Date of Decision : 22-03-1978

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1978) 03 P&H CK 0008

Hon'ble Judges : A.S. Bains, J

Bench : Single Bench

Advocate : Ashok Bhan, for the Appellant; Satish Sood, for the State, for the Respondent

Final Decision : Allowed

Judgement

A.S. Bains, J.—Tejinder Paul Mann has filed this petition under Articles 226 and 227 of the Constitution of India for quashing the impugned order Annexure P. 6 passed by the Registrar of Co-operative Societies Haryana, Respondent No. 2.

2. It is alleged in the petition that the petitioner was member of Karnal Central Co-operative Bank, Karnal, and that there are ten posts of Directors, who are to be elected from ten different zones. The Assistant Registrar, Co-operative Societies Karnal, was appointed as the Returning Officer to conduct the election to elect the Board of Director of the Karnal Central Co-operative Bank in accordance with the rules. According to the programme issued by the Returning Officer, nomination papers had to be filed on October 26, 1976, scrutiny was to take place on October 27, 1976 and the election, if any, was to take place on November 21, 1976. The petitioner filed nomination papers from Zone No. 3. Mr. Surinder Paul Mann also filed nomination papers from zone No. 3 and there was no other candidate from that zone. On October 27, 1976, at the time of the scrutiny of the nomination papers, Mr. Nafe Singh respondent No. 5 who had filed his nomination papers from zone No. 6, raised an objection that the nomination papers of both the candidates from zone No. 3 should not be accepted. The

nomination papers of the petitioner were accepted and that of the other candidate Mr. Surinder Paul Mann were rejected and the petitioner was declared elected unopposed from zone No. 3. The nomination papers of Mr. Nafe Singh were rejected from zone No 6. He filed objection before the Deputy Registrar that the nomination paper,, of the petitioner were wrongly accepted The Deputy Registrar accepted his objection and stayed the functioning of the petitioner as a Director of the Karnal Central Co-operative Bank. Dissatisfied by the order of the Deputy Registrar, the petitioner moved an application to the Registrar for transfer of the case from Mr. Dharam Chand, Deputy Registrar, to some other Deputy Registrar. This was allowed and the case was transferred to respondent No. 2, the Joint Registrar, who rejected the plea of the petitioner that it would amount to the review of the order passed by the Deputy Registrar The petitioner then filed Civil Writ No 8167 of 1976 which was disposed of with the following observations:--

After giving a careful consideration to the argument advanced, we direct that the election to the office of the Chairman, Karnal Central Co-operative Bank, should not be held for a period of seven days or such time as the matter receive the attention of respondent No 2, whichever is earlier Parties through their counsel are directed to appear before the Joint Registrar, Co-operative 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 Co operative Societies (respondent No. 2) to stay or not to stay the election to the office of the Chairman of respondent No 4.

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

In obedience to the directions of the High Court, the petitioner again approached the Joint Registrar, but the Joint Registrar again rejected the plea of the petitioner and passed the impugned order Annexure P-6, which is sought to be quashed in these proceedings.

3. Mr. Ashok Bhan, the learned counsel for the petitioner, contends that Mr. Nafe Singh had no locus standi to challenge the nomination papers of the petitioner as he was not a voter from zone No. 3. I find merit in this contention. Admittedly the petitioner was a candidate from zone No. 3 and Nafe Singh respondent No. 5 was candidate from zone No. 6. Rule 6 of the Punjab Co-operative Societies Rules, 1963 (as applicable to the State of Haryana) deals with nomination of candidates and is in the following terms:--

6. Nomination of Candidates.--(1) Any person who is a voter of the co-operative society or a duly authorised representative of the member cooperative society may be nominated as a candidate for election in the zone in which he is enlisted as a voter.

(2) On the date, time end place fixed under rule 4, the candidate shall deliver his nomination papers completed in the prescribed form in person to the Returning

Officer

(3) The nomination of each candidate shall be made on a separate nomination paper in form I appended to these rules, which shall be subscribed by the candidate himself assenting to the nomination. The voters proposing and seconding the candidate shall belong to the same zone from which the candidate seeks election.

(4) The Returning Officer shall maintain a register in Form II appended to these rules, in which each nomination paper shall be entered as soon as it is received.

(5) The Returning Officer shall display the list of validly nominated candidates at all places referred to in sub-rule (4) of rule 4.

A reading of rule 6 (1) clearly shows that a person who is a voter of the co-operative society may be nominated as a candidate for election in the zone in which he is enlisted as a voter. Admittedly Nafe Singh is not a registered voter of zone No. 3.

4. Rule 7 deals with scrutiny of the nomination papers and the objections. Rule 7 (2) is the relevant rule, which is in the following terms:--

7 (2) The person objecting under sub-rule (1) must be a voter.

A reading of this rule shows that the person objecting to the nomination papers of a candidate must be a voter. A combined reading of rule 6(1) and 7 (2) makes it amply clear that the voter must be of that particular zone. In all 10 Directors were to be elected and each Director had to be elected from each one zone. Hence the voter of another zone has no locus standi to raise objection against the nomination papers of a candidate of another zone of which he is a voter. Such person also cannot raise objection regarding the inclusion of name on the voters list of that zone at the stage of nomination papers as full procedure is given in these election rules (Appendix-C) regarding the objections against the constitution of zones and preparation of zonal list of voters prior to the publication of election programme. Rule 4 deals with constitution of zones and preparation of zonal lists of voters. Objection to the inclusion of anybody as a voter in the list of a particular zone can be made to the Manager, who shall give the date and time for hearing the objection to the voters' list. Under sub-rule (3) the Manager shall fix the time and date when the committee shall hear the objections to the draft lists of zones Under sub-rule (4), the Manager has to exhibit the lists of zonal voters for a period of not less than 14 days, on receipt of the intimation of the date of hearing of objections. Under sub-rule (5) any voter or the shareholder of the co-operative society may during the period of exhibition of notice under sub-rule (4) submit his objections alongwith necessary evidence to the list of zones and voters to the Manager of the society. Under sub rule (6), the Manager shall submit all the objections before the committee constituted under sub-rule (2) and after the committee approves the list of zones and voters shall be sent to the Registrar by the Manager. The Manager also request the

Registrar for fixing of the date of election as provided in Rule 3. Under rule 5 the election programme is to be published and then under Rule 6 candidates have to be nominated and under Rule 7 scrutiny of the nomination papers takes place and Rule 8 deals with withdrawal of the nomination papers. Rule 9 deals with allocation of election symbols to the candidates, with which we are not concerned. These rules have clearly laid down the procedure for preparation of the lists of zones and the voters and the objections, if any, to be filed. But after the voter's list is finally approved by the committee and the same is sent to the Registrar, no objection can be raised against the voters' list subsequently by any voter. The stage of raising objections is prior to the publication of the election programme and not afterwards as observed earlier.

5. No other point is urged.

6. For the reasons recorded above, I hold that Nafe Singh, respondent No. 5, had no locus standi to raise objections against the nomination papers of the petitioner, as he was not a voter of zone No. 3.

7. Consequently, this petition is allowed with costs and the impugned order is quashed.