



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(112+287)

CWP-5799-2021

Date of Decision : May 07, 2025

Raj Kumar and another

.. Petitioners

Versus

Registrar Cooperative Societies and others

.. Respondents

(2)

CWP-14263-2021

Raj Kumar and another

.. Petitioners

Versus

Registrar Cooperative Societies and others

.. Respondents

(3)

CWP-1520-2023

Balwinder Singh

.. Petitioner

Versus

Registrar Cooperative Societies, Punjab

.. Respondent

(4)

CWP-15293-2023

Rajinder Singh and another

.. Petitioners

Versus

Additional Registrar (I) Cooperative Societies, Punjab and others

.. Respondents

(5)

CWP-15656-2023

Tarsem Dass and another

.. Petitioners

Versus

Registrar Cooperative Societies, Punjab and others

.. Respondents



(6) CWP-17417-2021
Gurmeet Singh and another .. Petitioners

Versus

Registrar Cooperative Societies, Punjab and others .. Respondents

(7) CWP-20582-2023
Sadhu Singh .. Petitioner

Versus

Registrar Cooperative Societies and others .. Respondents

(8) CWP-21061-2021
Avtar Singh Kular .. Petitioner

Versus

Additional Registrar Cooperative Societies (Admn.) Punjab and others
.. Respondents

(9) CWP-22065-2021
Gurdharshan Singh and another .. Petitioners

Versus

Additional Registrar Cooperative Societies (C) Punjab and others
.. Respondents

(10) CWP-23988-2021
Ram Krishan .. Petitioner

Versus

Additional Registrar Cooperative Societies (C) Punjab and others
.. Respondents



- (11) CWP-2565-2023
Varinder Kumar and another .. Petitioners
Versus
Registrar Cooperative Societies, Punjab and others .. Respondents
- (12) CWP-27889-2023
Sarwan Dass and others .. Petitioners
Versus
Registrar Cooperative Societies, Punjab and others .. Respondents
- (13) CM-6111-CWP-2025 in/and
CWP-28546-2022
Surinder Kumar Puri .. Petitioners
Versus
Registrar Cooperative Societies, Punjab and others .. Respondents
- (14) CWP-28822-2023
Balbir Singh and others .. Petitioners
Versus
Registrar Cooperative Societies, Punjab and others .. Respondents
- (15) CWP-29498-2022
Sunil Kumar Chopra and others .. Petitioners
Versus
Registrar Cooperative Societies, Punjab and others .. Respondents
- (16) CWP-29533-2022
Gurdarshan Singh and another .. Petitioners
Versus
Registrar Cooperative Societies, Punjab and others .. Respondents



- (17) CWP-2968-2023
Varinder Kumar and another .. Petitioners
Versus
Registrar Cooperative Societies, Punjab and others .. Respondents
- (18) CWP-2970-2023
Amar Singh and another .. Petitioners
Versus
Registrar Cooperative Societies, Punjab and others .. Respondents
- (19) CWP-3004-2023
Gurdarshan Singh and another .. Petitioners
Versus
Registrar Cooperative Societies, Punjab and others .. Respondents
- (20) CWP-3711-2023
Manmeet Singh .. Petitioner
Versus
Registrar Cooperative Societies, Punjab and others .. Respondents
- (21) CWP-4147-2023
Gurdial Singh and others .. Petitioners
Versus
Registrar Cooperative Societies, Punjab and others .. Respondents
- (22) CWP-4213-2023
Surmukh Singh and another .. Petitioners
Versus
Registrar Cooperative Societies, Punjab and others .. Respondents



- (23) CWP-4712-2023
Sunil Chopra .. Petitioner
Versus
Registrar Cooperative Societies, Punjab and others .. Respondents
- (24) CWP-5032-2023
Daljit Singh .. Petitioner
Versus
Registrar Cooperative Societies, Punjab and others .. Respondents
- (25) CWP-5034-2023
Pawan Kumar and another .. Petitioners
Versus
Registrar Cooperative Societies, Punjab and others .. Respondents
- (26) CWP-6600-2023
Lakhwinder Singh Sekhon .. Petitioner
Versus
Registrar Cooperative Societies, Punjab and others .. Respondents
- (27) CWP-6639-2023
Harjinder Singh .. Petitioner
Versus
Registrar Cooperative Societies, Punjab and others .. Respondents
- (28) CWP-7494-2022
Gurdarshan Singh and others .. Petitioners
Versus
Registrar Cooperative Societies, Punjab and others .. Respondents



(29) CWP-7901-2022
Mohinder Singh and another .. Petitioners
Versus
Registrar Cooperative Societies, Punjab and others .. Respondents

(30) CWP-7594-2023
Mohinder Singh .. Petitioner
Versus
Registrar Cooperative Societies, Punjab and others .. Respondents

(31) CWP-9365-2023
Gurmeet Singh and another .. Petitioners
Versus
Registrar Cooperative Societies, Punjab and others .. Respondents

(32) CWP-9573-2023
Balwant Singh .. Petitioner
Versus
Registrar Cooperative Societies, Punjab and others .. Respondents

(33) CWP-9621-2023
Balwant Singh .. Petitioner
Versus
Registrar Cooperative Societies, Punjab and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. D.S. Patwalia, Sr. Advocate, with
Mr. Gauravjit S. Patwalia, Advocate, and
Mr. Shiv Kumar, Advocate, for the petitioners
in all cases except CWP-20582-2023.

Mr. Aayush Arora, Advocate, with
Ms. Sanchita Jain, Advocate, for the petitioners
in CWP-20582-2023.



Ms. Akshita Chauhan, Deputy Advocate General, Punjab.

Mr. Bisman Mann, Advocate,
for respondents No. 2 to 5 in CWP-15656-2023.

Mr. Aditya Pratap Duggal, Advocate,
for respondents No, 2 to 5 in CWP-17417-2021.

Mr. Akash Yadav, Advocate, for respondent No.5
in CWP-2565-2023.

Mr. Ankit Kumar, Advocate, for respondent No.2
in CWP-28546-2022.

Mr. Shailesh Aggarwal, Advocate, for respondents No. 3 and 4
in CWP-4712-2023.

Mr. Vikas Chatrath, Advocate with
Mr. Abhishek Singla, Advocate, and
Ms. Tanya Sehgal, Advocate, for respondents No.3 & 4
in CWP-7494-2022.

Mr. Rakesh Roy, Advocate, and
Ms. Priya Jarial, Advocate, for
Mr. Abhilaksh Gaind, Advocate, for respondents No. 3 to 5
in CWP-3711-2023.

Mr. Gursimranjit Singh, Advocate, for respondents No. 4 and 5
in CWP-6639-2023.

Mr. Gourav Verma, Advocate, for respondents No. 3 and 4
in CWP-29498-2022 and CWP-5034-2023 and
for respondents No. 3 and 5 in CWP-4147-2023.

Mr. Mehardeep Singh, Advocate, for respondents No. 3 to 5
in CWP-9365-2023.

Mr. Amaninder Preet, Advocate, for respondent-Markfed
in CWP-1520-2023, CWP-27889-2023 and CWP-28822-2023.

Mr. Sanjeev Kaushik, Advocate with
Ms. Manreet Kaur, Advocate, for respondents No. 3 to 5
in CWP-3004-2023.

Mr. A.P.S. Gill, Advocate in CWP-9573-2023.

Mr. Karminder Singh, Advocate and
Mr. P.S. Walia, Advocate, for respondent-Markfed
in CWP-2565-2023 and CWP-7417-2021.



Mr. Animesh Sharma, Advocate and
Mr. Akshdeep Singh Sidhu, Advocate, for respondent No.4
in CWP-28546-2022.

Mr. Mirgank Sharma, Advocate, for
respondents No. 2 to 5 in CWP-23988-2021.

Ms. Avin Sandhu, Advocate, for respondent-Markfed
in CWP-2970-2023.

Ms. Sunint Kaur, Advocate, for respondent No. 3 & 4
in CWP-5032 of 2023.

Mr. Shubham Thakur, Advocate, for the respondents
in CWP-7494-2022.

Mr. Arshdeep Singh, Advocate, for
Mr. T.V.S. Lehal, Advocate, for respondents NO. 2 & 3
in CWP-4213-2023.

Mr. Amritpal Singh Gill, Advocate, for respondents No. 5 & 6
Markfed.

Mr. Mayank Mathur, Advocate, for respondents No. 3 & 4
in CWP-29533-2022.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-6111-CWP-2025 in CWP-28546-2022

As prayed for, the application is allowed.

Reply filed on behalf of respondents No. 1, 3 and 4 is taken on
record.

CWP-5799-2021 & connected cases

1. By this common order, 33 writ petitions, the details of which
have been given in the heading, are being disposed of as all these petitions
involve the same question of law on similar facts.

2. In the present bunch of writ petitions, the challenge is to the
order dated 23.02.2021 (Annexure P-6) passed by the Registrar, Co-
operative Societies exercising jurisdiction under Section 55 of the Punjab



Co-operative Societies Act, 1961 (hereinafter referred as '1961 Act').

3. The major argument of the learned counsel for the petitioners is that any dispute relating to the irregularity by an employee, while performing the duties and any action taken by the authorities concerned qua the said irregularity, the same cannot be executed under Section 55 of the 1961 Act.

4. Further prayer of the petitioners is that any dispute qua irregularity by an employee during his service career cannot be brought before the Registrar, Co-operative Societies under Section 55 of the 1961 Act especially when the limitation period has been prescribed that no dispute will be referred to arbitration after a period of three years.

5. Learned senior counsel appearing on behalf of the petitioners submits that the Registrar, Co-operative Societies is bound to look into the assertion of the Cooperative Society as and when the dispute under Section 55 of the 1961 Act is raised that whether, the same is permissible to be dealt with or not, on the following parameters: (i) whether the order if any sought to be executed is a valid order passed keeping in view the service bye-laws applicable to the said Cooperative Society (ii) whether the jurisdiction existed with the Cooperative Society to pass such kind of an order keeping in view the facts and circumstances of the case (iii) whether execution of an order/recovery of any amount being sought from the employee/ex-employee is within prescribed limit envisaged under the law.

6. Learned senior counsel for the petitioners submits that without keeping in view the said parameters, the orders have been passed by the Registrar, which is causing prejudice to the employees concerned, who are either at the verge of their retirement or have already retired from service of



the Cooperative Society since long.

7. Learned counsel appearing on behalf of the respondents submits that the Cooperative Societies are only working to protect its interest as the employees while working with the Cooperative Society have committed such a default which has caused huge financial loss to the Co-operative Societies.

8. Learned counsel for the respondent-Societies further submits that once, an irregularity by an employee in performing the duties comes to the notice of the Cooperative Society or an order has been passed by the Cooperative Society imposing punishment as well as recovery on an employee, in the absence of complying with such an order by the employee, the jurisdiction has been given to the Cooperative Society to approach the Registrar under Section 55 of the 1961 Act hence, the orders which have been passed by the Registrar which are impugned in the present writ petition, are perfectly valid and legal and within jurisdiction.

9. I have heard learned counsel for the parties and have gone through the record with their able assistance.

10. The writ petitions which have been filed are by the ex-employees, who were working with the Cooperative Society qua the orders which might have been passed during the service career or after their retirement which have been directed to be implemented by the Registrar, Co-operative Society vide order impugned in the bunch of present petitions.

11. The contention which has been raised is whether, the orders which have been passed by the Cooperative Society, are valid orders or not which can be executed through the Registrar, Co-operative Societies under Section 55 of the 1961 Act.



12. It is a conceded position between the parties that there is a prescribed limitation period for invoking the jurisdiction of the Registrar under Section 55 of the 1961 Act. Whether, the issue raised by Co-operative Society is within the prescribed limitation period or not is to be decided by the Registrar, Co-operative Societies while entertaining any plea by the Cooperative Society raised under Section 55 of the 1961 Act.

13. The impugned orders does not show that the Registrar had looked into the said aspect while passing the orders impugned on the asking of the Cooperative Society and straightaway the plea raised by Co-operative Societies has been accepted. In case, an employee has already retired from service and the proceedings were started after the retirement of such employees, whether such proceedings could have been initiated by the Cooperative Society or not as per Rules governing the service has to be looked into by the Registrar, while passing the orders.

14. Further, even if an employee was still in the service when any action was taken against them and consequently an order was passed, the compliance which is being sought by the Cooperative Society qua the aspect that whether the said action taken is within the prescribed limitation period or not at the time when the jurisdiction of the Registrar was raised under Section 55 of the 1961 Act, the same has to be adjudicated upon at the first instance before accepting or rejecting the plea of the Cooperative Society. No such consideration has been given to the said aspect by the Registrar, Co-operative Societies while passing the impugned orders.

15. Keeping in view the totality of the circumstances, the impugned orders passed by the Registrar, Co-operative Societies are set aside. The cases are remanded back to the Registrar for fresh adjudication.



16. While deciding upon the issue, the Registrar will keep in mind that whether, the issue raised/referred for the arbitration by the Registrar under Section 55 of the 1961 Act, is on the basis of any valid order passed by the Society by keeping in mind the service Rules governing the employees and the settled principle of law on the said issue. In case, there is no order passed, whether the issue/claim raised by the Cooperative Society is raised within the prescribed limitation period as per the settled principle of law or not. In case, the Cooperative Society satisfies the Registrar on these issues with regard to the maintainability of the claim raised under Section 55 of the 1961 Act by the respective Cooperative Societies, then only Registrar will proceed further to decide whether, any employee is liable against the claim raised by the Cooperative Society before the Registrar on merits.

17. The orders which will be passed by the Registrar, will be after giving due opportunity of hearing to the respective parties to put their claim either in written or in the oral submissions as per the procedure prescribed.

18. Though, the jurisdiction of the Registrar has been challenged but for the purpose of this order, the same has not been agitated but with the liberty that in case, any order is passed by the Registrar, which causes prejudice to the petitioners, the issue qua jurisdiction of Registrar can be raised before this Court.

19. All the fresh orders will be passed separately by the Registrar in each case, raised by the respective Co-operative Society keeping in view the specific proceedings initiated qua respective employees.

20. The writ petitions are disposed of in above terms.

21. It may be noticed that there is no expression by this Court on



the merits of the case which will be considered by the Registrar while deciding the issue.

22. Civil miscellaneous application pending if any, also stands disposed of.

23. A photocopy of this order be placed on the file of other connected cases.

May 07, 2025
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No