

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	31.01.2023		<p>WPMS No. 288 of 2023 <u>Hon'ble Sharad Kumar Sharma, J.</u></p> <p>Mr. Sandeep Tiwari, Advocate, for the petitioner.</p> <p>Mr. Yogesh Chandra Tiwari, Standing Counsel, for the State.</p> <p>Mr. Girish Chandra Joshi, Advocate, for respondent No. 3.</p> <p>As against certain set of allegations levelled against the Chairman of the Dugdh Utpadak Sahakari Sangh Limited, Almora, the proceedings under Section 35 has been contemplated to be taken and as a consequence thereto, the impugned order dated 23.01.2023 had been passed by the Registrar, whereby he has issued the following directions:-</p> <p>उक्त से यह स्पष्ट है कि दुग्ध उत्पादक सहकारी संघ लि० ओल्हा की प्रबन्ध समिति अधिनियम तथा नियमों व समिति की उपविधियों में उल्लिखित कर्तव्यों के पालन में बराबर चूक करती आ रही है तथा लगातार ऐसा कार्य कर रही जो कि दुग्ध उत्पादक सहकारी संघ लि० ओल्हा की वित्तीय स्थिति पर दुष्प्रभाव डाल रहा है।</p> <p>अतः उत्तराखण्ड सहकारी समिति अधिनियम 2003 की धारा 35 (01) में निर्धारित व्यवस्था अनुसार दुग्ध उत्पादक सहकारी संघ लि० ओल्हा की प्रबन्ध कमेटी को अन्तिम अवसर प्रदान किया जा रहा कि उपरोक्त सन्दर्भित बिन्दुओं पर अपना स्पष्टीकरण सचिव / प्रधान प्रबन्धक, दुग्ध उत्पादक सहकारी संघ लि० ओल्हा के माध्यम से उपलब्ध कराना सुनिश्चित करें। इस हेतु सचिव / प्रधान प्रबन्धक, दुग्ध उत्पादक सहकारी संघ लि० ओल्हा को दुग्ध संघ की उपविधि के विनियम सख्या-37 के अनुसार, प्रबन्ध कमेटी की बैठक 03 दिवस के अन्दर आहूत करते हुए सम्बन्धित आदेश प्रबन्ध कमेटी के विचारार्थ प्रस्तुत करें व प्रबन्ध कमेटी का स्पष्टीकरण सहित बैठक की कार्यवाही दिनांक 29.01.2023 तक उपलब्ध कराये।</p> <p>The consequential effect of the order passed by the Registrar is that a reply has been solicited from the Committee of Management, which has to be processed through the Secretary/Pradhan Prabandhak, Dugdh Utpadak Sahkari Sangh Limited, Almora and thereafter it has been directed to be considered in accordance with Regulation 37 in a meeting, which is to be held by the</p>

			<p>Committee of Management and the Committee of Management has been directed to give its decision by 29.01.2023.</p> <p>This argument has been interpreted by the learned counsel for the petitioner as if in view of the preceding paragraph, in fact, there is a conclusive decision, which has been taken as against the petitioner where the reference has been made, that owing to the financial irregularities, it is having an adverse bearing over the financial functioning of the cooperative society. This observations made in the preceding paragraphs, to the concluding paragraph in the impugned order is nothing but a passing remark while dealing with the action, which has been complained of against the petitioner and it is not a conclusive decision which has been taken against the petitioner or the society with regards to any of the financial irregularities, which has been referred to therein, because, that aspect was still left open by the concluding part of the order dated 23.01.2023, whereby the reply has been solicited, in order to enable to hold the meeting and take a decision with regard to irregularities committed.</p> <p>Thus the order which has been passed therein, since it has only solicited a reply and a decision on which is still awaited, the writ petition would be premature and the same is accordingly dismissed.</p> <p style="text-align: right;">(Sharad Kumar Sharma, J.) Vacation Judge 31.01.2023</p>
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