

GANPATBHAI M. SOLANKI

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v.

DISTRICT COLLECTOR, VADODARA AND ANR.

MARCH 27, 1997

[K. RAMASWAMY AND G.B. PATTANAİK, JJ.]

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Gujarat Co-operative Societies Act, 1961 : Sections 74-C and 145(2).

Board of Committee—President and Vice President—Term of the Offices of the President and Vice-President—Held not co-terminus with Committee.

C

Baroda District Co-operative Milk Producers Union—Election of Committee—Subsequent meeting convened by Collector for Election to Office of President and Vice-President—Challenge to action of Collector—Head though the terms of the Committee is three years, the term of the President or Vice-President, as the case may be, elected at the meeting of the Board of Directors, shall be only for one year until the new President or Vice-President, as the case may be, was elected again—The Collector has been conferred with the power to call the meeting to elect the President/Vice President in accordance with the bye-laws—His action, therefore, was in accordance with law.

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CIVIL APPELLATE JURISDICTION : Special Leave Petition (C)
No. 6456 of 1997.

From the Judgment and Order dated 25.2.97 of the Gujarat High Court in L.P.A. No. 473 of 1995.

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Anant Palli, Mahesh Agarwal, Atul Sharma and E.C. Agarwala for the Petitioner.

The following Order of the Court was delivered :

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The controversy involved in this case relates to the term of the offices of the President and the Vice-President of the Board of the Committee. It is not in dispute that the election to the Baroda District Cooperative Milk Producers' Union Ltd. was held on June 24, 1982 and thereafter proviso to Section 74 of the Gujarat Cooperative Societies Act was amended on

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- A July 17, 1984 providing for the rule of rotation in the matter of retirement of the members. Subsequently, the election to the Committee was held on May 18, 1994. A meeting was convened by the Collector for election of the President and the Vice-President. Calling that action of the Collector, the petitioner had filed a writ petition which was dismissed. On appeal, viz.,
- B L.P.A. No. 473/97, by Judgment dated February 25, 1997, the Division Bench has confirmed the same.

C It is contended for the petitioner that under Section 74-C reads with sub-section (2) of Section 145 of the Gujarat Cooperative Societies Act, the term of the Committee is three years and, therefore, the term of the President and the Vice-President is co-terminus with the terms of the Committee. As a consequence, the notice issued by the Collector to conduct the meeting for electing the President and the Vice-President is without authority of law. We find no force in the contention.

D It is true that under Section 74-C read with Section 145(2), the term of the elected Committee is three years but the bye-law 40.1 provides thus :

E "The first meeting of the Board of Directors after the Annual General Meeting shall be called within one month of the Annual General Meeting. All the members of the Boards present as its meeting shall elect its President and Vice-President for the year and the President and Vice-President shall hold the office until a new President or Vice-President as the case may be is/are elected."

F A reading of it clearly indicates that the first meeting of the Board of Directors, after the Annual General Meeting shall be called by the Collector within one month of the Annual General Meeting. Thereon all the members of the Board as would be present at its meeting shall elect its President and Vice-President for the year and the President and Vice-President shall hold the office until a new President or Vice-President as

G the case may be is/are elected.

H Thus it is clear that though the terms of the Committee is three years, the term of the President or Vice-President, as the case may be, elected at the meeting of the Board of Directors, shall be only for one year until the new President or Vice-President, as the case may be, is elected again. The

Collector has been conferred with the power to call the meeting to elect the President/Vice-President in accordance with the bye-laws. His action, therefore, is in accordance with law. The special leave petition is accordingly dismissed. A

T.N.A.

Petition dismissed. B