

234

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

**C.W.P No.1603 of 2015 (O&M)
Date of decision : 08.09.2015.**

Hans Raj

..... Petitioner

VERSUS

The Managing Director Housefed, Punjab & Ors.

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Ajay Pal Singh, Advocate
for the petitioner.

Mr. Harit Sharma, Advocate
for the respondents No.1 to 3.

AMOL RATTAN SINGH, J. (Oral)

CM-11690-2015

Application is allowed.

The replication to the written statement filed by respondents No.1 to 3, alongwith Annexure P-11, is taken on record.

CWP No.1603 of 2015

Learned counsel for the respondents has referred to an order passed in CWP-4795 of 2003, dated 02.05.2005, holding therein that a writ petition is not maintainable against the Punjab State Federation of Co-operative House Building

Societies Ltd. (HOUSEFED), it being a society with no pervasive control of Government.

In view of the above, since that judgment of the Division Bench has become final qua respondent No.2 itself, learned counsel for the petitioner submitted that he may be relegated to his alternative remedy of filing an appeal against the order dated 16.01.2015 (Annexure P-10), before the Board of Directors, as such an appeal is maintainable under Rule 18 (ii) of the service rules governing the services of employees of the Punjab State Federation of Co-operative House Building Societies Limited. This fact is not disputed by learned counsel appearing for respondents No.1 to 3.

Consequently, this petition is disposed of, leaving the petitioner to his remedy of filing an appeal as aforesaid. If such an appeal is filed within 15 days, the issue of limitation would not come in his way, as the present petition was filed on 21.01.2015, i.e. within five days of the passing of the impugned order.

Though, this writ petition is being disposed of as not being maintainable, in view of the Division Bench order referred to above, however, since a stay was operating in favour of the petitioner for the past eight months, if the appeal is filed within 15 days, the stay would continue to operate till then, after which the question of stay would also be decided by the appellate authority.

September 08, 2015
Ramandeep Singh

(AMOL RATTAN SINGH)
JUDGE