

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

**C.M. No.6412 of 2015 in/and  
C.W.P. No.9081 of 2012  
Date of Decision : 29.07.2015**

Balwan Singh Kundu

..... Petitioner

Versus

State of Haryana and others

..... Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI**

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Present : Mr. P.K. Mutneja, Advocate  
for the applicant-petitioner.

Ms.Shruti Goyal, AAG, Haryana.

Mr. Kulvir Narwal, Advocate  
for the respondents No.2 and 3.

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

**AJAY TEWARI, J. (Oral)**

**C.M. No.6412 of 2015**

For the reasons recorded, the application is allowed. The main case is taken up for hearing today itself.

**C.W.P. No.9081 of 2012**

By this petition the petitioner has challenged the order of the government-respondent No.1 dated 06.04.2012 (Annexure P-26) passed

under Section 115 of the Haryana Cooperative Societies Act, 1984.

Brief facts of the case are that the petitioner was working as Chief Accounts Officer in the respondent No.3. An order of some impellers and pumps was placed and it transpired that the products supplied was fake. An inquiry was launched and among other persons the petitioner was at one stage exonerated but, in a subsequent inquiry found guilty and was dismissed on 17.01.2008. He filed an appeal before the respondent No.2 who by order dated 18.11.2009 held that the inquiry was not fair and consequently set aside the impugned order with a direction to the respondent No.3 to hold fresh inquiry. That order was challenged by the respondent No.3 before the respondent No.1-Government - contending that the inquiry was fair and the dismissal order was also justified. The respondent No.1, by the impugned order had set aside the order of the respondent No.2 and remanded the case back to the respondent No.2 for a fresh decision. It is not disputed that during this interregnum the petitioner had also attained the age of superannuation.

Learned counsel for the petitioner has argued that in the face of the contentions of the respondent No.3 the respondent No.1 should have either held that the inquiry was fair and thereby set aside the order of the respondent No.2 or should have agreed with the findings of the respondent No.2 that the inquiry was not fair because this was the only issue before him. However, what the respondent No.1 has done by the impugned order is that he neither accepted the finding of fact arrived at by the respondent No.2 and nor has he agreed with the factual arguments advanced by the

respondent No.3 that the inquiry was fair. In the circumstances, as per the learned counsel for the petitioner the order which has been passed is indefensible.

Learned counsel for the respondent No.3 has not been able to show from the order as to whether the respondent No.1 has doubted the findings of the respondent No.2 or not on the fact whether the inquiry was fair or not nor has he held that the inquiry was fair or otherwise. In fact the impugned order has given no conclusions at all. The respondent No.1 has not mentioned as to what factors were not considered by the respondent No.2 or what irrelevant material was considered by him so as to justify a remand.

No other argument has been raised by the learned counsel for the petitioner.

In these circumstances, I have no hesitation in setting aside the impugned order dated 06.04.2012 and maintaining the order of the respondent No.2-Registrar. Ordered accordingly. Considering the fact that the petitioner has already attained the age of superannuation, in the circumstances of the present case, I direct the inquiry as envisaged by the order of respondent No.2 be carried out by the Managing Director of the respondent No.3 personally. The inquiry proceedings would be concluded within three months from the date of receipt of a certified copy of this order subject to the petitioner cooperating with the same. In case the inquiry proceedings are needlessly dragged the petitioner would be at liberty to revive this petition for the purpose of getting the benefit of reinstatement

and back-wages.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

**July 29, 2015**

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**( AJAY TEWARI )  
JUDGE**