

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

(1) CWP No. 5682 of 2015 (O&M)
Date of decision: 28.05.2015

Bharat Singh

...Petitioner

Versus

Principal Secretary, Govt., of Haryana,
Cooperation Department and others

...Respondents

(2) CWP No. 4116 of 2015 (O&M)
Date of decision: 28.05.2015

Bharat Singh and another

...Petitioner

Versus

Principal Secretary, Govt., of Haryana,
Cooperation Department and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. S.S. Kharb, Advocate
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Ms. H.N. Sahu, Advocate for respondent No.3.

Mr. R.K. Malik, Sr. Advocate with
Mr. Mandeep Singh, Advocate for respondent No.5.

Ms. Neelam Nehra, Advocate for
Mr. Pardeep Solath, Advocate
for respondents Nos. 4 to 7.

Jitendra Chauhan, J. (Oral)

The prayer in the instant petitions is for quashing the
impugned order dated 10.02.2015 (Annexure P-18) passed by

respondent No.1A, whereby the order of termination of respondent No.5 has been stayed and order dated 29.12.2014 (Annexure P-24), whereby the revision filed by respondents Nos. 4 to 7, was disposed of with a direction to respondent No.3 to appoint a Board of Administrators to run the activities and day to day functioning of the Store.

It is contended on behalf of the applicant/respondent No.5 that the services of respondent No.5 were terminated in the absence of any coram. There are eight members of the Managing Committee and the coram being 1/3rd, the presence of three members is mandatory for carrying out the proceedings of the Committee. The learned counsel for the petitioner refers to Annexure R5/3 and R5/4 states that they did not participate in the meeting when the agenda with regard to termination of respondent No.5 was passed. The learned counsel further submits that the order of termination was challenged before the learned Financial Commissioner, wherein interim order dated 10.02.2015 which is the subject matter of the present petition was passed. The respondent No.5 being a regular employee could not have been terminated without any show cause notice and holding a regular inquiry. The learned counsel refers to by-laws 19.1 of the Bye-laws of the Central Cooperative Consumers Store, Ltd., to contend that the respondent No.5 could be removed only by the Managing Committee with the prior approval of the

Registrar Cooperative Societies.

The learned counsel for the petitioner contends that the General Body meeting of the Committee in 2014 took a decision to lodge an FIR against the irregularity committed by him after authorizing respondent No.5 to be the complainant. The termination order is the result of the cross fire generated by the registration of the FIR. Similarly, there is a writing to the Superintendent of Police, Hisar for registration of case against respondent No.5. The coram was complete and the petitioner has the casting vote as per Rule.

On the other hand, the learned counsel for respondent No.3 submits that respondent No.5 has issued cheque of Rs.33.50 lacs in favour of FCI against by-laws. The respondent No.5 has embezzled crore of rupees.

I have heard the rival contentions of learned counsel for the parties and have gone through the record carefully.

Considering the fact that respondent No.5 is a regular employee of the respondents and there is nothing on record to suggest that any regular inquiry was conducted against respondent No.5, coupled with the disputed question of the coram, the order dated 26.03.2015, passed by this Court deserves to be vacated. Furthermore, the revision petition preferred by respondent No.5 is pending consideration wherein, the next date is slated to be 22.09.2015 and in view of the assertions raised by learned counsel

for the parties, the order dated 10.02.2015 (Annexure P-18) is set aside. The learned FCR is directed to expedite the hearing and conclude the same preferably within two months from the date to which it is already adjourned.

However, considering the fact that some FIR has been registered against respondent No.5, the arrangement for running the Hisar Central Cooperative Consumer's Store made by the establishment is not being disturbed.

The writ petitions No. 5682 and 4116 of 2015, are accordingly disposed of.

28.05.2015

sumit.k

(JITENDRA CHAUHAN)
JUDGE