

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

Date of decision: 12.02.2015

LPA No. 2098 of 2014 (O&M)

Jai Bhagwan

----Petitioner

Versus

Financial Commissioner and Principal Secretary and others

-----Respondents

**Coram: Hon'ble Mr. Justice S.J. Vazifdar, Acting Chief Justice
 Hon'ble Mr. Justice Harinder Singh Sidhu**

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

Present: Mr. S.S. Dalal, Advocate
 for the appellant.

 Mr. Pardeep Solath, Advocate
 for respondent No.4.

 Mr. Ashok Kumar Sehrawat, Advocate
 for respondent No.5.

S.J. VAZIFADAR, A.C.J. (Oral)

 This appeal is against the order dated 30.09.2014 passed by learned Single Judge dismissing the petition and imposing the costs fixed at ₹30,000/-.

2. We are entirely in agreement with the learned Single Judge that the appellant had no *locus standi*. This is obviously a rivalry between the appellant and respondent No.5, who are employed as clerks with the Bhiwani Central Cooperative Bank, Bhiwani- respondent No.4. Disciplinary proceedings were initiated against respondent No. 5. The enquiry report indicated a lapse on his part. It did not indicate any embezzlement. The Registrar, Cooperative Societies, Haryana -respondent No.2 by an order dated

03.04.2007 transferred the proceedings to the Deputy Registrar, Cooperative

Societies, Rohtak (for short 'DRCS, Rohtak') and directed the matter to be put up before the Board of Administrators of respondent No.4, after receipt of the enquiry report from DRCS, Rohtak .

3. This order was challenged by the appellant. Respondent No.1 by an order dated 22.07.2009, upheld the appellant's contention and quashed the order dated 03.04.2007. The appellant, however, was aggrieved by the further observation to the effect that respondent No.5 was not guilty. In any event, the matter was forwarded to the Managing Director of respondent No.4, who in fact by an order, disposed of the proceedings. The appellant has no *locus standi* as there were no proceedings between the appellant and respondent No. 5.

4. In the circumstances, the learned Single Judge was justified in coming to the conclusion that the appellant has no *locus standi* in filing the petition. However, in view of the fact that the appellant is a clerk and probably encouraged by the fact that he had succeeded before respondent No.1, he continued to file proceedings against respondent No.5.

5. In view of the circumstances of the case, we take a sympathetic view and set aside the order insofar as it relates to the costs but uphold the dismissal of the writ petition.

The appeal is disposed of accordingly.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(HARINDER SINGH SIDHU)
JUDGE

12.02.2015

Atul