

\$~25 to 28

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 357/2015**

SARIKA MITTAL Petitioner

versus

SHREE AGRASEN CO-OPERATIVE URBAN THRIFT &
CREDIT SOCIETY LTD.

..... Respondent

+ **W.P.(C) 359/2015**

SANJAY SINGHAL Petitioner

versus

SHREE AGARSEN CO-OPERATIVE URBAN THRIFT &
CREDIT SOCIETY LTD.

..... Respondent

+ **W.P.(C) 531/2015**

SANJAY SINGHAL Petitioner

versus

REGISTRAR OF COOPERATIVE SOCIETIES AND ANR.

..... Respondent

+ **W.P.(C) 538/2015**

SARIKA MITTAL Petitioner

versus

REGISTRAR OF COOPERATIVE SOCIETIES AND ANR

..... Respondent

Appearance

Mr. A. K. Singla, Senior Advocate with Mr. Rahul Shukla, Mr. Sheetesh Khanna and Mr. Aakash, Advocates for petitioners. (Item No. 25 to 28)

Mr. D. K. Aggarwal, Senior Advocate with Mr. Anil Kumar, Advocate for respondent society. (Item No. 25 to 28)

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **26.08.2015**

In W. P. (C) Nos. 357/2015 and 359/2015, the petitioners have prayed for a direction to quash the order dated 27.11.2014 passed by the Delhi Cooperative Tribunal. In W. P. (C) Nos. 531/2015 and 538/2015, the

petitioners have prayed for a writ of mandamus against respondent Nos. 1 and 2, directing the respondent No. 1 to take action against the respondent No. 2 in respect of violation made by them of the Delhi Cooperative Societies Act, 2003 and Rules framed thereunder.

The petitioners were employed as Manager and Deputy Manager respectively with the respondent society. The petitioners in W. P. (C) Nos. 357/2015 & 538/2015 were appointed in the year 1994 and the petitioners in W.P. (C) Nos. 359/2015 & 531/2015 were appointed in the year 1995. The petitioners claim to be permanent employees. Their services were terminated vide letters dated 27.11.2012. In the absence of any service rules of removal, dismissal conduct rules and disciplinary procedure for delinquent employees, the petitioners approached the Deputy Registrar (Arbitration), Registrar of Cooperative Societies by filing a Claim Petition under Section 70/71 of the Delhi Cooperative Societies Act, 2003 while relying on by law 51 of the respondent society. The petition of the petitioners was allowed by the Assistant Registrar (Arbitration) by an order of 06.11.2013 but was set aside by the Delhi Co-operative Tribunal on 27.11.2014 which led to the filing of the present writ petitions.

After some hearing in the matter, the counsel for both the parties on instructions agree that the order passed by the Tribunal in W. P. (C) Nos. 351/2015 and 359/2015 be set aside and the matter be referred for arbitration in terms of the order passed by the Assistant Registrar (Arbitration) dated 06.11.2013. Accordingly, with the consent of the counsel for the parties, we set aside the order dated 27.11.2014 passed by the Delhi Cooperative Tribunal. We also direct the Assistant Registrar (Arbitration) to appoint an Arbitrator within a period of two weeks from today. We also direct the Arbitrator to decide the matter within the time allowed as per the schedule. Both parties agree to co-operate the Arbitrator. Writ petitions Nos. 351/2015 and 359/2015 stand disposed of.

In view of the order passed in W. P. Nos. 357/2015 and 359/2015, the W. P. Nos. 531/2015 and 538/2015 are not pressed with leave to raise all ground as raised in these writ petitions before the learned Arbitrator/(s).

Writ petition Nos. 531/2015 and 538/2015 are dismissed as withdrawn.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

AUGUST 26, 2015/sc