IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

I.

Civil Writ Petition No.12564 of 1994
Date of decision: 28.1.2016

Mohan Lal Gupta

... Petitioner

Versus

The Registrar, Cooperative Societies, Punjab and others

... Respondents

II.

Civil Writ Petition No.5836 of 1996

Mohan Lal Gupta

... Petitioner

Versus

The Registrar, Cooperative Societies, Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.R.S.Bains, Advocate,
for the petitioners.

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

RAJIV NARAIN RAINA, J. (Oral)

This order will dispose of the aforesaid two writ petitions as the parties are the same in both the writ petitions. The facts are taken from CWP No.12564 of 1994 for convenience.

This petition was admitted on 21.12.1994 and the proceedings

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in pursuance of the charge sheet [P-4] were stayed. Resultantly, the petitioner's case for promotion to the rank of Assistant General Manager/Manager was directed to be considered in accordance with law *dehors* the pendency of inquiry which would remain subject to the final decision of the case.

This Court has *prima facie* examined the charge sheet and the complaint in the connected writ petition with respect to denial of increments pending suspension and inquiry.

I do not find any reason to truncate the inquiry proceedings by a permanent injunction making the interim order dated 21.12.1994 absolute. The petitioner has demonstrated no fundamental right for quashing of the charge sheet at the threshold. In any case, even against the final order, there would be alternative remedies like appeal or review etc. and nothing can be said at this premature stage even though 20 years have gone by.

It is the duty of this Court to declare the rights as on the date of filing of the petition in view of that settled position.

This petition along with the connected petition is dismissed as at premature stage and is not maintainable at the stage brought.

(RAJIV NARAIN RAINA)
JUDGE

January 28, 2016
Paritosh Kumar

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