

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

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**CWP No. 3876 of 1993**

Date of decision : January 20, 2016

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The Hissar District Central Cooperative Bank Ltd.  
Hissar through its Managing Director

.....Petitioner

Versus

The State of Haryana and others

.....Respondents

\* \* \* \* \*

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

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Present: Mr. C.R Dahiya, Advocate for the petitioner.

Mr. Gaurav Goel, AAG, Haryana for  
respondents no. 1 & 2.

None for respondent no.3.

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1. *Whether Reporters of Local Newspapers 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?*

**RITU BAHRI, J**

Present petition has been filed for issuance of a writ of certiorari for quashing and setting aside the order dated 11.11.1992 (Annexure P-1) passed by the Commissioner and Secretary to Government Haryana, Cooperation Department, Chandigarh while exercising the powers under Section 115 of the Haryana Cooperative Societies Act, 1984 (hereinafter referred to as 'the Act').

Briefly, the facts of the case are that the respondent no.3-

Pehlad Singh while working as Secretary, of the Pirthala Cooperative

Credit and Service Society was placed under suspension on account of certain acts of omission and commission. He was served with a charge sheet under Rule 27 of Haryana State Central Cooperative Bank Staff Service (Common Cadre) Rules, 1975. Respondent no.3 gave a reply to the charge sheet and after considering the reply, it was decided to conduct an enquiry into the allegations and as such the enquiry officer was appointed. The Enquiry Officer has given his findings on 15.6.1984 proving all the charges against respondent no.3. Thereafter a show cause notice was served upon respondent no.3. After considering the reply to the show cause notice, the Board of Directors of the petitioner-Bank who is the punishing authority passed an order of termination of service of respondent no.3 vide order dated 6.1.1985 (Annexure P-2).

An appeal was filed against the order dated 6.1.1985 before the Registrar, Cooperative Societies, Haryana Chandigarh under Rule 31 of the Service Rules. The Registrar, Cooperative Societies, Haryana Chandigarh dismissed the appeal vide order dated 9.8.1988 (Annexure P-3).

Thereafter, a revision petition was filed on 10.4.1992 before the Commissioner and Secretary to Government Haryana, Cooperation Department under Section 115 of the Act. The revisional authority set aside the order of termination dated 6.1.1985 as well as the order of the appellate authority dated 9.8.1988 vide its order dated 11.11.1992 while observing that the impugned order dated 6.1.1985 reveals that the charges against respondent no.3 had

not been proved in the report of the enquiry officer. The order dated 6.1.1985 only mentioned the quantum of embezzlement and the appointment of the enquiry officer. Further the Registrar, Cooperative Societies while hearing the appeal observed that the petitioner was guilty of absence primarily and he did not handle the accounts of the Mochi, Tellianwali and Hasinga Cooperative Credit Society properly. This order only mentioned that he agrees with the findings of the Board of Directors, Hisar on the basis of the record. In the absence of any evidence of embezzlement it was a case of irregular handling of the accounts of the Society. Respondent no.3- Pehlad Singh gave his unconditional apology and that he is ready and willing to deposit the amount standing against him. He did not claim any salary and allowance from the period of dismissal to the period of fresh appointment and taking a lenient view the order of termination dated 6.1.1985 as well as the order of Registrar, Cooperative Societies dated 9.8.1988 was set aside. The petitioner-Bank was directed to appoint him afresh at the same salary which he was drawing at the time of his dismissal subject to his having deposited the amount of Rs.5655.45/- in favour of Mochi Credit and Service Cooperative Society and Rs.993/- in favour of Tellianwali Cooperative Credit Society and Rs.7400/- in favour of Hasinga Cooperative Credit Society.

The Commissioner, Cooperation Department, Haryana has rightly exercised his revisional powers and set aside the order passed by the Registrar dismissing the appeal. In the absence of

any evidence of embezzlement, the services of respondent no.3 could not have been dismissed. The petitioner-Bank have not placed on record any enquiry report to substantiate their claim that there was any evidence with regard to embezzlement against respondent no.3. In the order dated 9.8.1988 passed by the Registrar, Cooperative Societies, Haryana, Chandigarh a finding was recorded to the effect that as regards the embezzlement, it has proved on record that the official in reality has not handled the funds of the societies honestly and caused deficiency in the funds of the Societies and the amounts received from the members have not been entered in the books of the Societies. This finding of the Registrar has been further examined by the revisional authority, which came to conclusion that the petitioner was primarily guilty of not handing the accounts of the Society properly. The revisional authority while accepting his apology reinstated him without back wages on the condition that he will deposit the requisite amounts with the three societies. Pursuant to the order, the respondent no.3 has since been reinstated and at this stage, no ground is made out to interfere in the order dated 11.11.1992.

In view of all that has been discussed above, present writ petition is dismissed.

January 20, 2016  
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( **RITU BAHRI** )  
**JUDGE**