

CWP No. 3439 of 2009
CWP No. 10703 of 2015

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

1. CWP No. 3439 of 2009

Mini Bank (PACS) Karamchari Sangh

...Petitioner

Versus

State of Haryana and others

...Respondents

2. CWP No. 10703 of 2015

Mini Bank (PACS) Karamchari Sangh

...Petitioner

Versus

State of Haryana and others

...Respondents

Date of Decision:- 02.03.2016

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Sanjiv Gupta, Advocate
for the petitioner.**

Mr. Rajesh Gaur, Addl. A.G., Haryana.

**Mr. Kuldeep Singh, Advocate
for respondent No.6.**

RITU BAHRI, J. (Oral)

This order shall dispose of the above two petitions as common question of facts are involved in all these petition. However, for the facility of reference, the facts are being taken from CWP No.3439 of 2009.

Petitioner Sangh seeking quashing of order dated 30.01.2009 (Annexure P-3), vide which, the benefit granted to them has been withdrawn.

Petitioner Sangh are employees of the Central Cooperative Bank, Sirsa and the said Bank and its subsidiary Societies are governed by the statutory rules which are called as 'Haryana State Central Cooperative Bank's Staff Service (Common Cadre) Rules, 1975. Similarly, for Primary Agricultural Cooperative Societies, the Rules were framed in the year 1992 which are called as Primary Agricultural Cooperative Credit and Service Societies Staff Services Rules, 1992.

Initially, the petitioners' Sangh submitted a Charter of Demands to Deputy Registrar Cooperative Societies, Hisar (respondent No.3), vide demand letter (Annexure P-1). Their demand at Serial No.4 was accepted and the travelling allowance was enhanced from ₹50 to ₹80 for Sewadars and ₹90/- for the Clerks and Salesman. Likewise, demand No.5 was also accepted and it was ordered that interim relief is to be given to the employees from the date when it was stopped as per letter dated 04.12.2002 issued by respondent No.2. This order communicated vide letter dated 07.11.2008 (Annexure P-2). In compliance to order dated 07.11.2008, the petitioner Sangh of Sirsa District had been given the aforementioned benefits to all the employees of the Primary Agricultural Cooperative Societies (PACS). Vide order dated 30.01.2009 (Annexure P-3), the benefits granted as per demand No.5 has been withdrawn with regard to interim relief on the ground that new pay scales have been ordered vide order dated 08.01.2009 (Annexure P-5). Hence, the present writ petition seeking quashing of impugned order dated 30.01.2009 (Annexure P-3).

Upon notice, written statement has been filed on behalf of

respondent Nos.1 to 5 and the stand taken by the respondents therein that the benefits to all the employees of PACS were given temporarily and under the agreement took place orally and until the order of enhanced New Pay in addition to the relief was finalized. For the purpose of implementation of new enhanced salary has been ordered w.e.f. 08.01.2009 and the previous order stands infructuous, which is in dispute. The demand of the employees was acceded to keeping in view the difficulties due to economic problem till the date of announcement of emerging enhanced salary. In the absence of the enhanced pay and other benefits such as interim relief was contrary but now when the Management has granted all the benefits with the enhance salary, then the answering respondents has withdrawing the interim relief, which was the need of time. The recovery have been sought to be made to save public money and not otherwise.

The Division Bench of this Court in a bunch of petitions in **CWP No.22097 of 2014** titled **Sukhbir Singh and others Vs. State of Haryana and others**, decided on 03.08.2015, while considering the controversy where there was a challenge of Rule 5 of the Primary Agriculture Co-operative Societies Staff Service Rules, 2014, which was framed under the Registrar, Cooperative Societies, Haryana, whereby the pay drawn by the petitioners before coming into force of the aforementioned Rules had been reduced and the excess amount paid to them has been ordered to be recovered. During the pendency of writ petitions an order dated 03.07.2015 passed by the Registrar Cooperative Societies, Haryana, Panchkula. According to this order, a Committee comprising of officers has been constituted to examine the issue raised by PACS employees regarding amendment in PACS Staff Service Rules 2014. The writ petitions were disposed of with the direction that the

Committee consider the issue raised by PACS employees regarding amendment in PACS Staff Service Rules, 2014 and give its report and till the decision is taken on the report by the respondents, no recovery has been effected from the petitioners.

Similarly, the case of the present petitioner(s) and the same is covered by the decision of above writ petitions. Accordingly, applying the ratio of the above mentioned judgment, the present writ petitions are disposed of by giving the directions to the respondents to hear the petitioners regarding amendment in the PACS Staff Service Rules 2014 and till the final decision, no recovery shall be effected from the petitioners.

March 02, 2016
naresh.k

(RITU BAHRI)
JUDGE