

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 11223 of 2016
Date of decision : 9.11.2016

Krishan Kumar and othersPetitioners

v.

State of Haryana and othersRespondents

CWP No. 11224 of 2016

Mahender Singh and othersPetitioners

v.

State of Haryana and othersRespondents

CWP No. 11225 of 2016

Angrej Singh and othersPetitioners

v.

State of Haryana and othersRespondents

CWP No. 11226 of 2016

Sahab Ram and othersPetitioners

v.

State of Haryana and othersRespondents

CWP No. 11289 of 2016

Om Parkash and othersPetitioners

v.

State of Haryana and othersRespondents

CWP No. 7820 of 2016

Narender Singh and othersPetitioners

v.

Registrar, Cooperative Societies, Haryana and othersRespondents

CWP No. 17401 of 2016

Partap Singh

.....Petitioner

v.

State of Haryana and others

.....Respondents

CWP No. 17158 of 2016

Krishan Kumar and others

.....Petitioners

v.

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present : Mr. S.S. Dalal, Advocate
for the petitioners in CWPs No. 11223 to 11226, 11289, 17158 &
17401 of 2016

Mr. Kuldip Singh, Advocate
for the petitioner in CWP No. 7820 of 2016

Mr. Harish Rathi, Senior DAG, Haryana

Mr. Sachin Gupta, Advocate
for respondents No.2 and 3 in CWP No. 7820 of 2016

Mr. Sheetal Vaishnav, Advocate
for respondent No.4 in CWPs No. 11223 & 11289 of 2016

Mr. Sharad Choudhary, Advocate
for respondent No.5 in CWPs No. 11223, 11289 of 2016
for respondent No. 4 and 5 in CWPs No. 11224, 11225 & 11226 of 2016

Anupinder Singh Grewal, J. (Oral)

This order will dispose of eight writ petitions as common questions of law and facts arise therein. The facts are being taken from CWP No. 11223 of 2016 titled as **Krishan Kumar and others v. State of Haryana and others**.

The petitioners, who are employees of co-operative societies, have assailed the action of the respondents in reducing their salary, vide impugned

order dated 28.3.2016 (Annexure P-9) and in pursuance thereto notice issued on 25.5.2016 (Annexure P-11) effecting recovery from the salary of the petitioners.

The salary of the petitioners was fixed by the Managing Committee in terms of the bye-laws framed by the respondent-society which is registered under the Haryana Cooperative Societies Act, 1984. In the year 2006, several cooperative societies had amalgamated in Primary Agricultural Cooperative Society (for short "PACS"). Prior to the amalgamation, the services of the Cooperative Credit and Services Societies (for short "CCSS") were governed by the Primary Cooperative Credit and Service Rules, 1992 (hereinafter referred to as the Rules of 1992). After amalgamation, Primary Agricultural Cooperative Societies Staff Services Rules, 2014 (hereinafter referred to as the Rules of 2014) were framed pertaining to the service condition of the employees of the Primary Agricultural Cooperative Society. Sub rule (4) of the Rules 5 of 2014 was also framed under the Rules of 2014, whereby the pay of the employees of the society including the petitioners was reduced and excess amount paid to them was ordered to be recovered. Some of the employees, whose salary had been reduced in pursuance to the afore noted new rule, had laid challenge thereto by preferring **CWP No. 22097 of 2014** titled as **Sukhbir Singh and others v. State of Haryana and others**, which along with other connected petitions was disposed of by a Division Bench of this Court on 3.8.2015. It was observed by the Division Bench that as a committee had been constituted to examine the issue raised by the employees of the Primary Agricultural Cooperative Society regarding Rules of 2014 but no recovery would be effected from the petitioners therein till the committee submits its report. The Committee was directed to consider the issue raised by the employees and submits its report. It was further observed that in

case the report of the Committee goes against the petitioners, it will be open for them to avail their remedy in accordance with law.

Learned counsel for the parties are ad idem that the afore noted Committee, constituted to examine the issue regarding the amendment to the Rules of 2014 reducing the salary of the petitioners, has not yet submitted its report.

Therefore, it would be appropriate to dispose of these petitions with a direction to the Committee to submit its report within a period of three months to the competent authority, who shall take a final decision in the matter within a period of three months thereafter.

Till the final decision is taken by the competent authority, no recovery shall be effected from the petitioners, who shall to continue to draw the salary which they are getting at present. Needless to observe that in case the petitioners are aggrieved of the final decision taken by the competent authority in the matter, it shall be open to them to seek recourse to the remedies available to them under the law.

The petitions stand disposed of accordingly.

(ANUPINDER SINGH GREWAL)
JUDGE

9.11.2016
Ashwani

Speaking/Reasoned	Yes/No
Reportable	Yes/No