

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

109

CWP-16122-2016

Date of Decision : August 10, 2016

BHIM SAIN GUPTA

.....PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

**CORAM:- HON'BLE MR. JUSTICE S.S. SARON
HON'BLE MR. JUSTICE LISA GILL**

Present: Mr.A.D.S.Jattana, Advocate for the petitioner.

S.S. SARON, J.

The petitioner has filed this petition praying for issuance of a writ in the nature of certiorari seeking quashing and setting aside the order dated 22.5.2015 (Annexure P-3) issued by the Registrar Cooperative Societies, Haryana-respondent No.2.

In terms of the said impugned order (Annexure P-3), the promotions to the post of Statistical Assistant has been considered and approved in respect of the employees mentioned therein from the date they fulfilled the requisite experience conditions after gaining their required educational qualifications. The promotion orders of the said employees have been modified accordingly.

The grievance of the petitioner is that instead of taking action against the persons who had been promoted to the post of Statistical Assistant against the norms and against the availability of vacancies and duly indicted by the Inquiry Officer-cum-Managing Director, HARCO Bank, vide his inquiry report (Annexure P-2), it has been ordered that no action should be taken against these employees who are enjoying benefits of

higher post without qualification or requisite merit for the reason that this

may give rise to litigation.

The petitioner himself is a retired employee of the Cooperation Department of the Haryana State. The nature of writ petition that he has filed is that pertaining to service matter. Learned counsel for the petitioner has been confronted with the judgment of the Supreme Court in **Hari Bansh Lal v. Sahodar Prasad Mahto, 2010 (4) SCT 286**, wherein it has been inter alia held that a PIL is not maintainable in service matters except in the case of a quo-warranto.

Learned counsel for the petitioner submits that he, in fact, is desirous to file a writ of quo warranto and in support of his contention, he has referred to **Renu & others v. District & Sessions Judge Tis Hazari & another JT 2014 (3) SC 1**. It may be noticed that the affected employees whose promotions it is stated are against the norms and as such improper have not been impleaded as parties.

Learned counsel for the petitioner in the said circumstances prays that he may be allowed to withdraw this petition with liberty to file a fresh one with better and clear particulars.

Dismissed as withdrawn with liberty as prayed for.

(S.S. SARON)
JUDGE

10.08.2016
TSG

(LISA GILL)
JUDGE

Whether speaking/reasoned? Yes/No

Whether Reportable? Yes/No