

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

CWP No.16393 of 2016 (O&M)

Date of decision:29.09.2016

Kamla @ Kamal Goel

... Petitioner

Vs.

The Haryana Dairy Development Cooperative Federation Ltd. & another

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. I.D. Singla, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J.

CM No.11273 of 2016:

Application is allowed as prayed for. The judgment and order dated 13.08.2016 passed by this Court in CWP No.12830 of 1991 and other connected petitions is taken on record.

Application is disposed of.

Main case:

Petitioner assails the validity of an order dated 14.08.1991 (Annexure P-7) issued by the Liquidator, the Bhiwani District Cooperative Milk Producers Union Limited C/o Haryana Dairy Development Cooperative Federation Limited and in terms of which the services of the petitioner were terminated.

Perusal of the impugned order placed on record at Annexure P-7 would reveal that the Bhiwani District Cooperative Milk Producers Union Limited had been brought under winding up as per order of the Managing Director, Haryana Dairy Development Cooperative Federation Limited and Mr. J.R. Kaushal was appointed as Liquidator. The Liquidator

in exercise of powers envisaged under Section 107 of the Haryana Cooperative Societies Act, 1984 has passed the order of termination of the petitioner.

Mr. I.D. Singla, learned counsel would contend that the action of termination of the petitioner is illegal and arbitrary. Heavy reliance is placed upon the judgment dated 13.08.2014 passed by a coordinate Bench of this Court in *CWP No.12830 of 1991 titled as Pawan Kumar Garg Versus The Haryana Dairy Development Cooperative Federation Limited* to contend that under identical circumstances an employee's termination was held to be bad in law and the writ petition had been allowed by treating such employee to have been deemed to be in service till the date of superannuation and 25% of the wages were held to be payable to the legal representatives as the employee in question had expired.

Having heard counsel for the petitioner at length, this Court is of the considered view that the impugned order of termination of the petitioner herein need not to be gone into and examined on merits.

The impugned order was passed on 14.08.1991. The petitioner has slept over the matter for a period of 25 years and has instituted the instant writ petition in the year 2016. No justification whatsoever is forthcoming towards explaining such inordinate delay in having invoked the writ jurisdiction of this Court.

Even the reliance placed by counsel upon the decision of the coordinate Bench in CWP No.12830 of 1991 and decided on 13.08.2014 is wholly misplaced. The petitioner therein, namely, Pawan Kumar Garg had agitated the matter immediately and in the year 1991 itself. The present petitioner can be termed as a “**fence sitter**”. He cannot be permitted to gain

any impetus on the basis of the judgment delivered in favour of an employee who otherwise may have been similarly situated but had been vigilant about his rights and had approached this Court immediately after an order of termination was passed and in the year 1991 itself.

The present petition suffers from gross delay and laches and is dismissed on this ground alone.

29.09.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |