

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

Sr. No.212

**CWP No.25782 of 2013
Date of decision: 31.05.2016**

Om Narain

....Petitioner

versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: None for the petitioner.

Mr. Harish Rathee, Senior DAG, Haryana.

Mr. D.K. Jangra, Advocate
for respondent No.2.

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DEEPAK SIBAL, J. (Oral)

For having caused loss to the respondent-Haryana State Cooperative Supply and Marketing Federation Limited (hereinafter referred to as the 'Federation'), the petitioner was charge-sheeted and having been found guilty in the regular departmental enquiry which ensued through the impugned order dated 18.06.2013 (Annexure P-7) was imposed the punishment of recovery of ₹2,01,270/- alongwith 8% interest per annum from the date of detection of the losses. It is this order of punishment, which is challenged before this Court through the present petition.

Learned counsel appearing on behalf of respondent-Federation submits that against the impugned order passed by the Managing Director of the respondent-Federation, under Rule 20 of the Haryana State Supply and

Marketing Cooperative Service (Common Cadre) Rules, 1988 (hereinafter

referred to as the '1988 Rules'), the petitioner has an effective remedy of appeal to the Board of Directors and in case the Board of Directors decided against him, he, under Rule 21 of the 1988 Rules has a further remedy of revision before the Registrar Cooperative Societies Haryana. It is, thus, submitted that the petitioner having effective statutory remedies against the order impugned by him through the present petition should be relegated to him as no reason is forthcoming from the petitioner as to why he has rushed to this Court without availing of the available statutory remedies.

There is no appearance on behalf of the petitioner to controvert the submissions made on behalf of the respondent-Federation.

In view of the above, the petitioner is relegated to the remedy of filing an appeal before the Board of Directors under Rule 20 of the 1988 Rules against the order impugned by him before this Court.

If any appeal against the impugned order is filed by the petitioner to the Board of Directors, it is directed that the same would be considered and decided within four months of its filing by passing a speaking order thereupon and after granting opportunity of hearing to the petitioner.

The writ petition is disposed of in the above terms.

(DEEPAK SIBAL)
JUDGE

May 31, 2016
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