

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No. 2294 of 2014

Date of Decision: 22.10.2016

The Sonapat Central Cooperative Bank Limited Through its Managing
Director, Sonapat.

.....Appellant(s)

Versus

Inder Singh and Another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Subhash Ahuja, Advocate
for the appellant.

Mr. Mandeep Singh, Advocate
for the respondents.

P.B. BAJANTHRI, J. (Oral)

In the present appeal, the appellant has sought for quashing the order dated 28.09.2013 passed by the Appellate Court. The respondent-Inder Singh was working as Secretary-cum-Clerk of the appellant-Central Cooperative Bank Limited. On the allegations that, he has embezzled bank money while discharging the duties of the post held by him in respect of disbursement of loan amount. He was placed under suspension. Parallel proceedings were initiated against respondent. In the criminal proceedings the respondent has been acquitted whereas in the discipline proceedings, he was punished by imposing the penalty of withholding of four annual increments with cumulative effect and the suspension period has been treated as suspension only. The penalty was imposed by the Managing Committee. Order passed by the Managing Committee is an appealable order before the Registrar under Rule 31 (3) of the Haryana State Central Cooperative Bank's Staff Service (Common

Cadre) Rules, 1975. The respondent feeling aggrieved by the order of penalty preferred an appeal before the Registrar. The same was allowed. Consequently, the appellant preferred a revision before the Revisional Authority-Government under Section 115 of Haryana Cooperative Societies Act, 1984. Revision petition was allowed in favour of the appellant-Bank. Thus, the respondent preferred a suit before the Civil Court. The same was dismissed. Thereafter, he preferred an appeal before the Appellate Court and the Appellate Court allowed the appeal on 28.09.2013. Thus, the appellant-Bank presented Regular Second Appeal.

Learned counsel for the appellant submitted that the Appellate Court failed to appreciate that the Registrar is an Appellate Authority, when the order of penalty was imposed by the Managing Committee. Thus, the appeal decided by the Appellate Court is contrary to the provisions of the Common Cadre Rules read with the Haryana Cooperative Societies Act, 1984.

On the other hand, learned counsel for the respondent submitted that the Revisional Authority has held that Registrar as an Appellate Authority is not competent to decide the matter to that extent decision of the Revisional Authority is bad. Consequently, the Appellate Court is rightly allowed the appeal of the respondent. Lacuna, in the present case occurred while passing order of the Revisional Authority holding that Registrar is not the Competent Authority to decide the appeal. From that stage, the matter is recovered to be re-examined. Therefore, the orders of Appellate Court and Revisional Authority dated 28.09.2013 and 05.02.2003 respectively are set aside.

The Revisional Authority is directed to re-examine Rule 31

(3) of the Common Cadre Rules, 1975 read with Haryana Cooperative

Societies Act, 1984 and to decide the revision petition afresh relating to competency of the Registrar to decide the appeal of the respondent. Revisional Authority is directed to re-examine the matter within a period of four months from today.

Appeal stands disposed of.

(P.B. BAJANTHRI)
JUDGE

22.10.2016

sahil soni

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No