

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

CWP No.10403 of 1999 (O&M)

Date of Decision: 15.02.2017

K.S. Rana and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- None for the petitioners.

Mr. T.N. Sarup, AAG Punjab.

Mr. Puneet Kansal, Advocate
for respondent No.5.

JAISHREE THAKUR, J. (Oral)

The instant writ petition has been filed under Article 226/227 of the Constitution of India, for grant of revised pay scale w.e.f. 01.01.1996 and for setting aside the impugned order 22.06.1999 (Annexure P-7), whereby, their claim has been rejected.

The Punjab Government issued a notification dated 16.01.1998 by which the pay scale of Punjab Government employees including all other persons connected with the affairs of the State of Punjab were revised. Based on the said revision of pay scale, the petitioners herein, who were employees of the Barnala Cooperative Cotton Marketing and Spinning Mills

Ltd., (for short 'The Mill) sought revision of their pay scales. An agenda of items came into being, wherein, in principal, it was decided to give the same benefit to the employees of the Mill as given to the employees of the Punjab Government. The agenda items were put up before the Board of Directors for sanction. Since no revision was given to the employees, a writ petition was preferred before this court, which came to be disposed of by issuing a direction to the Registrar, Cooperative Societies, to consider the claim of the petitioners therein, who were seeking revised pay scales. The Registrar, Cooperative Societies rejected the plea of the petitioners for grant of revised pay scales, as per the notification dated 16.01.1998, which is impugned in the present writ petition.

Learned counsel appearing on behalf of the respondents-State as well as newly added respondent No.5 i.e. Liquidator, Barnala Cooperative Cotton Marketing and Spinning Mills Ltd. submit that the Mill has stopped functioning on 27.03.1999 and thereafter, came into liquidation by an order passed by the Registrar, Cooperative Societies on 16.09.1999. The winding up order noted that the Mill had been incurring heavy losses accumulating to Rs.1450.82 lacs as on 28.02.1999 and that it would be difficult to revive the same. It is also argued that the agenda item, adopting the revised pay scale of the Punjab Government, was not sanctioned.

Learned counsel for the respondents contend that after the Mill has been wound up under the orders of the Registrar, Cooperative Societies, this court has no jurisdiction to entertain the present matter and if the petitioners are still aggrieved of the same, they are at liberty to approach the liquidator.

In view of the fact that the Barnala Cooperative Cotton Marketing and Spinning Mills Ltd. has gone into liquidation as far as back in 1999 on account of accumulated losses, this court is not inclined to interfere with the present matter. If the petitioners herein are aggrieved, they are at liberty to approach the liquidator for any of their claims/grouses that they may have.

The writ petition stands disposed of accordingly.

February 15, 2017

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No