

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

CWP No. 13459 of 2009

Date of Decision: 10.08.2017

Rajinder Singh Dhanda

.....Petitioner

Vs.

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

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

Mr. Hitesh Pandit, Addl. A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

Learned counsel for the petitioner submits that the petitioner having actually been exonerated of not having caused any loss to the Panchkula Urban Co-operative Bank Limited by the Registrar, as stated in the order of the Registrar dated 17.12.2003 (Annexure P-8), though the said order was passed in proceedings initiated under Section 101 of the Haryana Co-operative Societies Act 1984, the petitioner cannot be subjected to disciplinary proceedings by appointing an enquiry officer to enquire into the same charge, even if such disciplinary proceedings are initiated under Rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules, 1987, the cause of action being wholly the same.

Learned counsel for the State on the other hand submits that proceedings under Section 101 of the Act of 1984 are only to determine the amount of recovery to be made from an officer/official and as such,

proceedings initiated under Rule 7 of the 1987 Rules operate in a wholly different field altogether.

Whereas the principle itself may not be assailable as has been put forth by learned State counsel, however, the fact remains that the petitioner having actually been subjected to a full fledged enquiry in the proceedings initiated under Section 101 of the Act of 1984, on exactly the same set of allegations as are subject matter of the disciplinary proceedings under 1987 Rules, and he having been exonerated by the punishing/recovering authority, i.e. the Registrar, Co-operative Societies Haryana, vide his aforesaid order dated 17.12.2003, a sub-ordinate authority, i.e. the Assistant Registrar Co-operative Societies, would not be competent to override that finding. Hence, I agree with learned counsel for the petitioner, that proceedings on the same cause of action cannot lie under the 1987 Rules in the aforesaid circumstances, even though such proceedings may otherwise may operate in a different field.

Consequently, this petition is allowed; the charge-sheet dated 12.05.2000, Annexure P-1, and the order dated 20.05.2009 appointing an enquiry officer, are both hereby quashed.

No order as to costs.

August 10, 2017
nitin/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes