

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

**CWP No. 13028 of 2016
Date of Decision: 25.04.2017**

Lakhvir Singh

...Petitioner

Versus

State of Punjab & Others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. D. S. Sandhu, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The instant writ petition has been filed seeking to challenge the order dated 16.06.2014 (Annexure P-2) and order dated 12.08.2015 (Annexure P-4) by which the resolution dated 17.10.2013 giving appointment to the petitioner was challenged before the Registrar, Co-operative Societies and the appointment offered stood cancelled.

In brief, the facts are that the petitioner came to be appointed as a Salesman in the Society pursuant to a resolution dated 17.10.2013 that was passed. Four applications were received by respondent No. 4 for appointment to the post of Salesman on contract basis. Three of the applicants withdrew their applications due to the reasons that the appointment, that was being offered, was purely on contract basis. The only application that survived was of the petitioner herein. The meeting was held and it was decided to appoint the petitioner as Salesman on DC rates with the Society w.e.f. 17.10.2013 and a resolution was duly approved. One Sh. Rajinder Singh filed an appeal against the resolution dated 17.10.2013 on the ground that the appointment of the petitioner herein is against the

rules of the Society. The age of the candidate is required to be within 18 to 35 years with 120 hours of Computer Course. The Sub-Registrar came to hold that the appointment given was against the rules as the petitioner was over age. The appointment offered to the petitioner was cancelled and resolution dated 17.10.2013 was set aside. Against this order, the petitioner preferred a revision petition which also came to be dismissed. Aggrieved, the instant writ petition has been filed.

Learned counsel for the petitioner submits that once an appointment was given to the petitioner after following due process and a resolution passed approving his appointment, the same could not be set aside.

I have heard learned counsel for the petitioner and have also perused the impugned order that has been passed.

The authorities concerned came to the conclusion that the appointment made was against the orders passed by the Registrar, Co-operative Societies wherein the educational qualification prescribed was 10+2 with 45% marks and age to be 35 years. The petitioner did not possess the necessary qualification as his educational qualification was 10+2 with 43% marks instead of 45% marks and he was over the age of 35 years. Learned counsel for the petitioner submitted that once an appointment has been made following due process, the same could not be set aside, this Court is not inclined to agree with the argument raised. Once an appointment has been made dehors educational and age qualifications, the same is not sustainable. Both, appellate and revisional authorities, have gone into this question and have come to a conclusion that the appointment made by the Society and a resolution passed subsequent thereto are against

the rules.

Therefore, no infirmity is found in the impugned orders, hence,
the present writ petition is dismissed, accordingly.

April 25, 2017
Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No