

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

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|---------------------------|-----------|-----------------------------|--|
| | 1. | CWP No.17358 of 2016 | |
| Ashok Hooda | | ... Petitioner | |
| | Vs. | | |
| Union of India and others | | ... Respondents | |
| | 2. | CWP No.22897 of 2016 | |
| Puneet Verma | | ... Petitioner | |
| | Vs. | | |
| Union of India and others | | ... Respondents | |
| | 3. | CWP No.20604 of 2016 | |
| Dal Chand | | ... Petitioner | |
| | Vs. | | |
| Union of India and others | | ... Respondents | |
| | 4. | CWP No.21894 of 2016 | |
| Ranvir Singh Yadav | | ... Petitioner | |
| | Vs. | | |
| Union of India and others | | ... Respondents | |
| | 5. | CWP No.24069 of 2016 | |
| Mange Ram | | ... Petitioner | |
| | Vs. | | |
| Union of India and others | | ... Respondents | |
| | 6. | CWP No.8841 of 2017 | |
| Roshan Lal | | ... Petitioner | |
| | Vs. | | |
| Union of India and others | | ... Respondents | |
| | 7. | CWP No.8840 of 2017 | |
| Dalip Singh | | ... Petitioner | |
| | Vs. | | |
| Union of India and others | | ... Respondents | |

Date of Decision:28.09.2017

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

Present : Mr. R.S. Hooda, Advocate
Mr. Anil Ghanghas, Advocate for the petitioner (s).

Mr. Vinod Sharma, Advocate for respondent No.1.

Mr. Bhushan Bhatia, Advocate for respondents No.2 and 3.

P.B. BAJANTHRI J. (Oral)

By this common order, all the aforementioned writ petitions shall be decided together as issue is identical.

For the sake of convenience, facts are being taken from CWP No.17358 of 2016.

In the instant petition, petitioner has challenged the validity of the charge-sheet dated 28.8.2014 (Annexure P-1) read with punishment order dated 10.08.2016 (Annexure P-5).

Petitioner is stated to have been appointed in the Gurgaon Gramin Bank. On 29.11.2013 Gurgaon Gramin Bank and Haryana Gramin Bank were merged and it is re-named as Sarva Haryana Gramin Bank. The regulation of Gurgaon Gramin Bank (Officers and Employees) Service Regulations 2010 provides for appointing authority in respect of officers powers are vested with the Chairman and in respect of employees powers are vested with the General Manager. Petitioner is in the cadre of officer. Consequently, appointing authority would be the Chairman. Whereas the initiation of disciplinary proceedings and its conclusion is by the General Manager. Thus, the petitioner has raised legal issue that the General manager who is not the appointing authority cannot initiate disciplinary proceedings and conclude. On the ground of competency of the General Manager, entire proceedings are liable to be set aside is the contention of the learned counsel for the petitioner.

On the other hand, learned counsel for the respondents have pointed out that no doubt that Haryana Gramin Bank and Gurgaon Gramin Bank were re-constituted and given a new entity namely Sarva Haryana Gramin Bank on 29.11.2013. Between 29.11.2013 till 24.9.2015 in respect of employees of Gurgaon Gramin Bank, Regulation dated 9.8.2010 were applicable. Whereas on 24.9.2015, regulation in respect of Sarva Haryana Gramin Bank (Officers & Employees) Service Regulations, 2010 was notified while giving effect from 29.11.2013 in which competent authority for the officer Scale-III, IV and V is identified as Chairman. Insofar as Officer Scale-I and II are concerned, General Manager has been identified as competent authority. Since petitioner is an officer of Scale-I, therefore, competent authority is General Manager and not the Chairman as contended by the petitioner.

Reading of regulation namely Sarva Haryana Gramin Bank (Officers and Employees) Service Regulations, 2010 dated 24.9.2015, it is evident that amalgamation of Haryana Gramin Bank and Gurgaon Gramin Bank would be effective from 29.11.2013. Therefore, petitioner who was an officer of the then Gurgaon Gramin Bank and now in the Sarva Haryana Gramin Bank, the regulation for the purpose of service condition is Sarva Haryana Gramin Bank (Officers and Employees) Service Regulation 2010 issued on 24.9.2015. Therefore, petitioner's contention that regulation Gurgaon Gramin Bank (Officers and Employees) Service Regulation 2010 issued on 9.8.2010 is applicable is not correct. Moreover petitioner has not questioned the validity of Regulation 2010 of Sarva Haryana Gramin Bank which was given effect from 29.11.2013 i.e. retrospectively so as to examine charge-sheet were issued in the year 2014 and regulation 2010

were issued on 24.9.2015. As long as retrospectivity is not altered to the effect that it is prospective, petitioner has no case since 2010 Regulation issued on 24.9.2015 would be binding.

Accordingly, all the aforementioned petitions stand dismissed.

28.09.2017
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(P.B. Bajanthri)
Judge

Whether speaking/reasoned Yes/No

Whether reportable Yes/No