

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.132

Civil Writ Petition No.23125 of 2017
DECIDED ON: October 09, 2017

THAMBOO SINGH

..PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sourabh Goel, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

Through the instant civil writ petition, preferred under Article 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of certiorari for quashing the impugned show cause notice dated September 04, 2008 (P-9) as well as impugned order dated August 07, 2009 (P-11) vide which respondent No.3 adjudicated the fresh show cause notice (P-9).

2. The contention of learned counsel for the petitioner is that respondent-Department earlier filed a Civil Writ Petition No.6741 of 2008 captioned as *The Haryana State Cooperative Agriculture & Rural Development Bank Ltd., Panchkula vs. Thamboo Singh and others*, which was disposed off by the Division Bench of this Court vide order dated April 25, 2008 (P-8)

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whereby order dated December 19, 2007 was found to be illegal. However, liberty was granted to the petitioner to proceed afresh in accordance with law in the matter. Subsequent thereto, after issuing a fresh show cause notice, an order dated August 07, 2009 (P-11) has been passed by the Managing Director. The aforesaid order dated August 07, 2009 (P-11) was challenged by the petitioner by way of departmental/statutory appeal on October 01, 2009 (P-12). Despite the fact that a period of 8 years have already elapsed, no final decision has been taken in the appeal. Even a legal notice dated January 16, 2017 (P-13) was also served upon the Registrar, Cooperative Societies, Haryana with a request to take a final decision in the appeal but till date nothing has been done.

3. However, petitioner restricts his claim for the time being only to the effect that a direction be given to the appellate authority who is seized of the appeal i.e. Bank to disposed of an appeal within some specified period.

4. Accordingly, without expressing any opinion on merits, instant petition is disposed of with the direction to the appellate authority, which is seisin of the appeal, to decide the same positively within a period of three months from the date of receipt of a certified copy of this order.

5. However, if the petitioner still feels aggrieved of any order passed, he shall be at liberty to approach this Court or to avail any other remedy available under the law.

October 09, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**