

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

212

**CWP No. 5919 of 2014
Date of decision: 01.09.2017**

Indri Cane Growers Co-op. Society Limited **..petitioner**

Vs.

The Cane Commissioner, Haryana and Another **..respondents**

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present: Mr. Bharat Bhushan, Advocate for the petitioner.

Ms. Shruti Jain, AAG, Haryana.

Mr. N.S. Bhinder, Advocate for respondent No. 2.

G.S. SANDHAWALIA, J. (ORAL)

The petitioner is challenging the order dated 30.01.2014 (Annexure P-13) passed by the Cane Commissioner, Haryana whereby the order of compulsory retirement dated 17.02.2012 (Annexure P-8) of respondent No. 2 was set aside and by virtue of the same resolutions were rescinded. It had further been directed that all the service benefits of suspension/retirement would be the entitlement of the employee and the petitioner-Society was directed to receive his joining report.

The respondents in their reply have taken a specific objection that since the Cane Commissioner had been conferred the power's of Registrar under notification dated 14.05.1993 (Annexure R-1), therefore, an appeal would lie under Section 114 of the Haryana Cooperative Societies Act, 1984. Similar objection was taken by

respondent No. 2.

In the replication filed by the petitioner-society it has not been explained whether the said objections is as such not justified regarding objection of alternative remedy.

Resultantly, keeping in view the statutory provisions and in view of the settled principles as laid down by Apex Court in the case of **Union of India Vs. Satyawati Tandon and others 2010(8) SCC 110** regarding exhausting of the alternative remedies. This Court is of the opinion that the present writ petition is not maintainable. Accordingly, the same is dismissed with liberty to approach the appellate authority under Section 114 of the Haryana Co-operative Societies Act, 1984 within a period of four weeks from today and if the appeal is filed, the said appellate authority shall hear it on merits since the matter has been pending before this Court, since then.

01.09.2017

Poonam (II)

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/ reasoned:	Yes
Whether Reportable:	No