

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.9665 of 2016(O&M)

Date of Decision:-17.04.2017

**The Sahlon Multipurpose Co-operative Agriculture Service Society
Ltd.**

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Anupam Bhardwaj, Advocate for the Petitioner.

Mz. Sudeepti Sharma, Deputy Advocate General, Punjab.

Mr. Balwinder Singh Sehra, Advocate for respondent no.5.

JASWANT SINGH, J.(ORAL)

Respondent no.5-Sarabjit Singh while working as Secretary with the petitioner-cooperative society was supposedly charge sheeted for imposition of major penalty.

Counsel for the petitioner society concedes that during the alleged disciplinary proceedings the order dated 30.05.2015 (P-4) was passed reverting Sarabjit Singh to lower rank of Salesman. Sarabjit Singh filed an appeal under Rule 15 of the Punjab State Cooperative Agricultural Service Rules 1997 (hereinafter referred to as 1997 Service Rules). The said appeal was dismissed in default vide order dated 11.09.2015, however, on an application for restoration having been allowed, an order dated

11.04.2016 (**P-8**) stands passed whereby the revision order stood set aside on the ground that no allegations stood proved against Sarabjit Singh.

It strangely transpires that another order dated 02.11.2015 (**P-1**) was passed on conclusion of abovesaid disciplinary proceedings for the same misconduct qua which reversion was earlier ordered, whereby the services of the respondent-Sarabjit Singh was ordered to be terminated.

Sarabjit Singh filed another appeal under Rule 15 of the 1997 Service Rules and the same was allowed vide order dated 31.12.2015 (**P-5**). The petitioner society filed a revision under Rule 15 Clause (ii) of the 1997 Rules wherein vide an ad interim ex-parte order dated 29.01.2016 (**P-10**) the operation of the Appellate Order dated 31.12.2015 (**P-5**) was stayed. Subsequently vide order dated 08.03.2016 (**P-11**), the interim order dated 29.01.2016 (**P-10**) was vacated.

In the backdrop of aforesaid facts, the petitioner-society filed the present petition, *inter alia*, challenging Appellate Order dated 31.12.2015 (**P-5**), the order dated 08.3.2016 (**P-11**) whereby the interim stay granted in revision was vacated and order dated 11.04.2016 (**P-8**) whereby initial reversion order was set aside.

Counsel for the parties heard at length.

Counsel for the petitioner-society has not been able to explain as to how reversion order as well as termination orders could simultaneously be passed in respect of one misconduct in same disciplinary proceedings. He also could not point out any illegality in the order dated 08.03.2016 (**P-11**) whereby the interim stay granted by the Revisional Court was vacated in the backdrop of the findings that no inquiry proceedings in accordance of law were ever initiated or completed.

In view of such circumstances, counsel for the parties are agreed that the present petition be disposed of with the direction to the revisional authority to decide the pending revision within a period of two months from the receipt of certified copy of this order, in accordance with law.

Ordered accordingly.

(JASWANT SINGH)
JUDGE

April 17, 2017
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>