

CWP No.4526 of 2017 (O&M)

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

CWP No.4526 of 2017 (O&M)

Date of Order: 14.3.2017

Surinder Kumar

....Petitioner

Versus

State of Punjab and Ors

....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. R.S. Manhas, Advocate for
Mr. R.S. Budhwar, Advocate for the petitioner.

JASWANT SINGH, J (ORAL)

The petitioner was appointed as a Secretary of Bamial Multipurpose Cooperative Society, Bamial, District Gurdaspur (for brevity "Cooperative Society") on 08.4.1985, vide a resolution of even date passed by the Managing Committee of said Society.

After having worked for more than 30 years, some members of the Cooperative Society are alleged to have filed complaints regarding embezzlement of funds by the petitioner as also his initial appointment being based on fraud. It is further alleged that for appointment to the post of Secretary, as per 1986 Statutory Rules, passing of Matriculation Examination was necessary and the petitioner does not possess the said Matriculation Certificate, instead he has submitted a forged document. A preliminary fact finding inquiry was conducted by the Deputy Registrar of the Cooperative Society, Gurdaspur, who

in his report dated 01.4.2011 (P.8) found the allegations to be not proved. It was noticed that at the time of appointment of the petitioner as Secretary on 08.4.1985, the requirement, under the Statutory Service Rules, 1986, of passing the Matriculation Examination had not come into existence.

Subsequently, another complaint with identical allegation was made leading to the contrary fact finding report dated 09.7.2013 (P.6) submitted by the Assistant Registrar, Cooperative Society, Pathankot. The petitioner challenged the findings of Inquiry Report (**P.6**) before the Revisional Authority, which, vide order dated 28.11.2016 (**P.9**) has held the revision to be not maintainable as (P.6) is not an order, however, on examination of the material on record, it proceeded to uphold the findings recorded in the inquiry report (**P.6**) opining registering of an FIR & further investigation by the police.

Heard learned counsel for the petitioner at length.

It is not in dispute that on the basis of findings recorded in the fact finding inquiry report, no disciplinary proceedings have been initiated, wherein the petitioner would have the opportunity to defend himself. As regards the initiation of criminal proceedings based on the prima facie findings recorded in the fact finding inquiry by the Assistant Registrar, this Court is not inclined to interfere in the exercise of jurisdiction under Article 226 of the Constitution. If at all any FIR is registered, the petitioner would have full opportunity to apprise the investigating agency regarding his version including the inquiry report (**P.8**) submitted

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by the Deputy Registrar in his favour, apart from other legal remedies available to him.

Dismissed.

March 14, 2017
manoj

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No