

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

114

**CWP-4585-2017 (O&M)
Date of decision: 07.03.2017**

Madan Lal and others

....Petitioners

Versus

State of Haryana and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr.Rajeev Sharma (Raju), Advocate for the petitioners.

P.B. Bajanthri, J. (Oral)

In the present writ petition, the petitioners have questioned the validity of order dated 05.11.2015 vide Annexure P8. Learned counsel for the petitioner submitted that the petitioners are employees of 5th respondent- The Bhorakh Cooperative Credit and Service Society Ltd. If Annexure P-8 is implemented, their service conditions would be affected. Therefore, they are questioning Annexure P8 dated 05.11.2015. The employees like the petitioners have drawn excess salary. The same was noted down by the Cooperative Societies department with reference to special report of excess salary drawn by the employees of Primary Agricultural Cooperative Societies (for short 'PACS') for the year 2013-14. The Assistant Registrar of Cooperative Societies, Kurukshetra directed the Inspector of Cooperative Societies, Pehowa I & II for recovery of excess salary drawn with reference

to name of the PACS. 5th respondent's name appears at serial no. 7 in Annexure P8. The petitioners' are employees of 5th respondent by virtue of Annexure P8 dated 05.11.2015, the petitioners employees did not have the cause of action. Unless and until, Inspector, Cooperative Societies, Pehowa I & II gives direction to 5th respondent and thereafter, 5th respondent acted on the communication dated 05.11.2015 vide Annexure P8 cause of action would arise. Pursuant to Annexure P8 dated 05.11.2015, service conditions of the petitioners are not at all affected. Hence the petition is premature.

2. Learned counsel for the petitioner relied on judgment passed by this court in CWP No. 11223 of 2016 disposed of on 09.11.2016 in support of the petitioners' claim. The present petition is distinguishable to that of ***Krishan Kumar and others versus State of Haryana and others*** for the reasons that pursuant to Annexure P8 dated 05.11.2015 further action was taken by the concerned respondent vide order dated 28.03.2016 and 25.05.2016 (Annexure P9 and P11) in those petition. In the present case, no action has been taken by 5th respondent or the Inspector, Cooperative Societies, Pehowa I & II. Therefore, petitions are premature.

3. CWP stands dismissed.

07.03.2017

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No