

LPA no.1908 of 2017 (O&M) 1

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

LPA no.1908 of 2017 (O&M)

Date of Decision :11.10.2017

Ashok Hooda

....Appellant(s)

Versus

Union of India and others

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE RAJ SHEKHAR ATTRI**

Present : Mr. J.S.Hooda, Advocate for the appellant(s)

MAHESH GROVER, J.(ORAL)

This appeal is directed against the judgment of the learned Single Judge dated 28.9.2017. As a writ petitioner, the appellant challenged the validity of the charge-sheet issued on 28.8.2014 as also the punishment order dated 10.8.2016.

The petitioner was originally appointed in the Gurgaon Gramin Bank. On 29.11.2013 the Gurgaon Gramin Bank and Haryana Gramin Bank were amalgamated to result in new entity by the name of Sarva Haryana Gramin Bank.

According to the appellant, service conditions would continue to be protected in terms of the notification prescribing the scheme of amalgamation. Relevant clauses 7 and 8 are extracted herebelow:-

“7. (a) The service of all the employees of

the transferor Regional Rural Banks (excepting such of them as not being workmen within the meaning of the Industrial Disputes Act, 1947) shall continue in the transferee Regional Rural Bank at the same remuneration and on the same terms and conditions of service, which they were getting or as the case may be, by which they were governed immediately before the effective date of amalgamation.

(b) The inter-se-seniority of officers and employees, directly recruited or promoted, to be decided by the Committee representing the sponsor bank and the National Bank for Agriculture and Rural Development.

8. The transferee Regional Rural Bank shall have the power to post the employees in the interest of the bank and the public as a whole anywhere in the entire area of operation of the transferee Regional Rural Bank.”

There would be no reason to dispute contentions raised before us but that is not the grievance of the appellant as he contends that he would continue to be governed in matters of discipline under the regulations governing Gurgaon Gramin Bank in view of the aforesaid clause.

We have perused the material on record with the assistance of the learned counsel for the appellant and find that resultant entity after amalgamation i.e Sarva Haryana Gramin Bank through a proper process re-published the regulations of Haryana Gramin Bank and applied it to itself.

For the purposes of reference relevant clause of the notification is extracted

“No.SHGB/HRD/2015/1465 – Haryana

Gramin Bank (Officers & Employees) Service Regulations 2010 published in Gazette of India on Monday, September 13, 2010 in exercise of powers conferred by Section 30 of the Regional Rural Banks Act, 1976 (21 of 1976) by the Board of Directors of Haryana Gramin Bank, after consultation with the Punjab National Bank being the Sponsor Bank and National Bank for Agriculture and Rural Development and with the previous sanction of the Central Govt. and amended vide Gazette Notification dated 05 July, 2013, published in Gazette of India on Monday, July 29, 2013 by the Board of Directors of Haryana Gramin Bank, after consultation with the Punjab National Bank, being the Sponsor Bank and National Bank for Agriculture and Rural Development and with the previous sanction of the Central Govt. and adopted by the Board of Directors of Sarva Haryana Gramin Bank vide its resolution dated 14.1.2014 and further decision taken by the Board of Directors of Sarva Haryana Gramin Bank vide its resolution dated 11.5.2015 are hereby republished as following Regulations namely:-

**Sarva Haryana Gramin Bank (Officers & Employees)
Service Regulations, 2010”**

Evidently, whatever is contemplated by the regulations which

service conditions of those employees including who were in the earlier component before the resultant entity was born. Learned Single Judge has held likewise and therefore, we do not find any legal infirmity in the approach of the learned Single Judge to warrant any interference.

Learned counsel for the appellant would then contend with reference to the provisions of the Regional Rural Bank 1976 that at the time of re-publication of regulations of Gurgaon Gramin Bank by the Sarva Haryana Gramin Bank, the Gurgaon Gramin Bank adopted the regulations for itself. The proper procedure was not adopted in terms of the Act, particularly when it is read with the letter issued by the Ministry of Finance.

“Power to make regulations:

30. Power to make regulations:- 2(1) The Board of directors of a Regional Rural Bank may, after consultation with the Sponsor Bank and the 3 (National Bank) and with the previous sanction of the Central Government 4 (by notification in the Official Gazette) make regulations, not inconsistent with the provisions of this Act and the rules made thereunder, to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act.

5(2) Every regulation shall, as soon as may be after it is made under this Act by the Board of directors, be forwarded to the Central Government and the Government shall cause a copy of the same to be laid before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised

in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.”

We are afraid that the appellant has not made any challenge to the regulations to contend that they are not adopted in conformity with the Act and in the absence of such a challenge, we would not accept the plea which has been raised before us.

In view of above, instant appeal is held to be without any merit and the same is hereby dismissed.

(Mahesh Grover)
Judge

(Raj Shekhar Atttri)
Judge

11.10.2017

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No