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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 7880/2017 and CM APPL. 32563/2017**

YOGENDRA SARASWAT Petitioner

Through: Mr. Vivek Singh, Advocate with
Mr. Rohan Sharma and Mr. Kshitij Kumar,
Advocates

versus

UNION OF INDIA & ORS Respondents

Through: Mr. Ripu Daman Bhardwaj, CGSC for
R-1 and R-2.

Mr. Dipak K. Nag, Advocate with Mr. Apurva
Upmanyu, Advocate for R-3.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **06.09.2017**

1. The present petition has been filed by the petitioner, assailing an Office Memorandum dated 29.08.2017, issued by the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions, Government of India, stating that the show cause notice dated 15.06.2017 issued to the Board of Directors, Kendriya Bhandar stands discharged.

2. We may note at the outset that this is the second round of litigation that has been initiated by the petitioner, who describes himself as a member of the respondent No.3/Kendriya Bhandar. The earlier petition filed by the petitioner [W.P.(C) 7073/2017] was disposed of as recently as on

22.08.2017. In the said petition, the petitioner had sought quashing of the Notification dated 01.08.2017 issued by the Returning Officer appointed by the Board of Directors of the respondent No.3/Kendriya Bhandar, whereunder the election of delegates was fixed for 06.09.2017, i.e., today. The petitioner had also sought a declaration to the effect that the Board of Directors and the Chairperson of Kendriya Bhandar elected pursuant to the elections of the General Body held on 09.05.2012, be declared as ineligible for any further elections and an Administrator be appointed to manage the affairs of Kendriya Bhandar and conduct the elections.

3. The aforesaid petition was disposed of by a detailed order dated 22.08.2017, recording inter alia that the election process had already been set into motion in terms of the Notification dated 01.08.2017, which had laid down a detailed schedule of the elections. It was further observed that even if there is some illegality or breach of rules, as was alleged by the petitioner in the said petition, the courts should forbear from interfering with the election since the aggrieved party would have an option to pursue his remedies after the election is conducted, by laying a challenge thereto in accordance with law.

4. Counsel for the petitioner submits that the notice to show cause dated 15.06.2017 issued under Section 123 of the Multi-state Cooperative Societies Act, 2002 to the Chairperson of the Board of Directors of Kendriya Bhandar, calling upon them to explain as to why the Board be not removed on account of persistent negligence in performing their duties and discharging their responsibilities, has been illegally withdrawn by the impugned Office Memorandum dated 29.08.2017, without offering any justification or furnishing any reason therein. He goes on to state that as a

result of the withdrawal of the notice to show cause, all the nine members of the Board of Directors of the respondent No.3/Kendriya Bhandar would become eligible to participate in the ensuing elections.

5. We may note that in para 8 of the order dated 22.08.2017, passed in W.P.(C) 7073/2017, it was noted that out of nine members of the Board of Directors of Kendriya Bhandar, only three members were eligible to participate in the elections that are being conducted today. In such circumstances, we do not see how the petitioner can raise such an issue at this stage, more so when the elections are being conducted today itself. Once the election process is over, if aggrieved, the petitioner has an option to pursue his remedies by laying a challenge in accordance with law. But this is neither the stage, nor the time to file such a petition, which is patently misconceived and appears to be an attempt on the part of the petitioner to somehow scuttle the elections process, which is impermissible.

6. We decline to entertain the present petition, which is dismissed alongwith the pending applications with costs of Rs.5,000/- imposed on the petitioner, to be deposited with the Delhi High Court Legal Services Authority within two weeks.

HIMA KOHLI, J

DEEPA SHARMA, J

SEPTEMBER 06, 2017

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