

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CWP No.21701 of 2008

The Ambala Central Cooperative
Bank Limited

... Petitioner

Versus

Registrar, Cooperative Societies,
Haryana and another

... Respondents

2. COCP No.1025 of 2016

Surjit Singh

... Petitioner

Versus

Rajinder Kumar

... Respondent

Date of Decision: 08.08.2018

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. S.S. Dalal, Advocate,
for the petitioner in CWP No.21701 of 2008
for the respondent in COCP No.1025 of 2016.

Mr. Harish Rathee, Sr. DAG, Haryana.

Mr. A.D.S. Jattana, Advocate,
for the petitioner in COCP No.1025 of 2016.
for respondent No.2 in CWP No.21701 of 2008.

Mr. Madan Pal, Advocate,
for the respondent in COCP No.1025 of 2016.

RAJIV NARAIN RAINA, J.(Oral)

1. This order will dispose of CWP No.21701 of 2008 titled *The Ambala Central Cooperative Bank Limited v. Registrar, Cooperative Societies, Haryana and another* & COCP No.1025 of 2016 titled *Surjit Singh v. Rajinder Kumar*.

2. As per the impugned order dated October 30, 2008 passed by

the Registrar Cooperative Societies, Haryana, a fresh inquiry was conducted through Assistant Registrar Cooperative Societies, Ambala on the request of respondent No.2 and the petitioner-Bank. The inquiry report was supplied to both parties. A verification in respect of double entries of two amounts i.e. ₹35,000/- and ₹18,847/- (53,846) was also got done through Audit Officer Headquarters.

3. The RCS, Haryana went through the verification report and the inquiry report and concluded that the amount alleged to have been embezzled by the appellant-respondent No.2 (in the present case) in a sum of ₹5.11 lakh approximately stood reduced to ₹828/-. The RCS, Haryana thought that dismissal from service was too harsh for a meagre amount of ₹828/-. The appeal was accepted and the impugned order of dismissal dated June 02, 2007 was set aside. The Bank was set free to take action against the appellant-respondent No.2 and decide the matter afresh. The Bank did not pass a fresh order and instead approached this Court in the present petition challenging the order.

4. During the pendency of this petition, respondent No.2 was reinstated to service vide order dated March 22, 2010. The respondent No.2 joined on May 18, 2010. He was placed in the minimum of the pay scale attached to the post of Secretary of the society.

5. It turns out that respondent No.2 has retired from service on reaching the age of superannuation on February 28, 2013. The job is not pensionable.

6. The admissions of guilt made by respondent No.2 as pointed out by Mr. Dalal are of no moment in case the order of the RCS, Haryana

dated October 30, 2008 is not found flawed, arbitrary or illegal. So long it is based on relevant material duly considered by RCS, Haryana then the order is not liable to be disturbed. The admissions, if any, would recede into the background. In any case, it is submitted by learned counsel for respondent No.2 that those admissions were made on pain of dismissal from service and were made in *terrorem*, with respondent No.2 succumbing to pressure to secure reinstatement. Therefore, it is not necessary for this Court to go into in any detail of those facts and suffice it to say that the petition upon retirement on superannuation is disposed of as having been rendered infructuous by passing time and so also the contempt petition is left with no life and is thus closed. Rule discharged.

7. Ordered accordingly.

**(RAJIV NARAIN RAINA)
JUDGE**

08.08.2018
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No