

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

**CWP-22486-2015 (O&M)
Date of Decision: 07.05.2018**

Baljit Beniwal & others

... Petitioners

Versus

The Union of India & others

... Respondents

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL,
ACTING CHIEF JUSTICE.**

HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. R.N. Sharma, Advocate,
Ms. Amandeep Kaur, Advocate for
Mr. Ramesh Sharma, Advocate for the petitioners.

Mr. Vipul Aggarwal, Sr. Panel Counsel-UOI
for respondent No.1.

Mr. Lokesh Sinhal, Additional Advocate General, Haryana.

Mr. Pardeep Solath, Advocate,
Mr. Sandeep Moudgil, Advocate for the respondents.

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TEJINDER SINGH DHINDSA, J.

The instant petition has been filed in public interest seeking issuance of directions to the respondent-authorities to ensure compliance of the provisions of Section 31 of the Cooperative Societies Act as also the directives issued by Reserve Bank of India (RBI) and National Bank for Agriculture and Rural Development (NABARD) issued on 30.04.2008 and 03.03.2009 respectively regarding appointment of professional bankers as Managing Director of the Haryana State Cooperative Apex Bank Limited and for appointment as Managing Directors/Chief Executive Officers in the

various District Central Cooperative Banks in the State of Haryana.

In support of the prayer made in the petition, the recommendations of the Vaidyanathan Committee's Report 2016 adopted by the Haryana State was also relied upon.

We have perused the status report filed by way of additional affidavit dated 18.12.2017 of the Registrar, Cooperative Societies Haryana, Panchkula (respondent No.3) wherein it has been stated that appointment of the Chief Executive Officer in Harco Bank has already been made vide order dated 29.11.2017 strictly in terms of Section 31(1) of the Haryana Cooperative Societies Act, 1984.

Also placed on record is another status report dated 22.03.2018 of the Joint Registrar, Cooperative Societies Credit on behalf of respondent No.3 which would reveal that for purposes of appointment to the post of Chief Executive Officers for the 19 Districts Central Cooperative Banks, advertisements were issued in two newspapers i.e. Hindustan Times and Dainik Jagran on 14.12.2017 and as such, the selection process stood initiated. 34 applications having been received in pursuance to the advertisement, only 5 candidates were found eligible. Under such circumstances, a decision was taken to approach NABARD for modification of the eligibility criteria. In the status report, it has been averred that the Chief Executive Officer of the Haryana State Cooperative Apex Bank Limited is following up the issue with the concerned authorities in NABARD as also RBI and upon a decision being taken as regards the relaxed criteria, fresh advertisement would be issued.

Learned State counsel has also apprised the Court that in the

meanwhile, Managers of the Haryana State Cooperative Apex Bank Limited have been posted as an interim measure as General Managers in all the District Central Cooperative Banks so as to ensure that the daily routine work does not suffer. It is contended that such course of action is permissible under Bylaws No.47 of the District Central Cooperative Banks.

In view of the status reports placed on record, we are satisfied that the respondent/authorities are alive to the issue and are taking necessary steps for filling up the posts of Chief Executive Officers in the District Central Cooperative Banks in the State of Haryana in terms of the statutory provisions under the Cooperative Societies Act and the directives issued by RBI/NABARD. The post of Chief Executive Officer in the Apex Bank has already been filled up.

Under such circumstances, no further directions in the matter are called for and the writ petition is disposed of.

Liberty, however, is granted to the petitioners to seek revival of the writ petition in the eventuality of any appointment being made contrary to the provisions of the Cooperative Societies Act and against the directives issued by the NABARD/RBI.

Disposed of.

(AJAY KUMAR MITTAL)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

07.05.2018

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |