

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

**CWP No. 20368-2018
Date of decision : 16.08.2018**

Satbir Singh**...Petitioner****versus****State of Haryana and others****...Respondents****CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. Kuldip Singh, Advocate
for the petitioner.

RITU BAHRI, J. (Oral)

The present petition is for quashing resolution dated 23.02.2018 (P-8) passed by respondent No. 3-Society.

The precise grievance of the petitioner is that in the year 2014, respondent No. 2 framed the service rules for the employees of PACS called *'The Primary Agriculture Cooperative Societies Staff Service/primary Cooperative Credit and Service Societies Rules, 2014'*. However, as per Sub Rule 4 of Rule 5 of the above said Rules, the pay of employees of the Societies including the petitioner was reduced and excess amount paid to them was ordered to be recovered. Thereafter Rule 5 and its Sub Rule (4) of Rules 2014 was challenged by the employees whose pay was reduced before the Division Bench of this Court. During the pendency of the said bunch of writ petitions, respondent No. 2 vide order dated 03.07.2015 constituted a committee to examine the issue raised by PACS/CCSS employees in Rules, 2014. The petitions were disposed of on 03.08.2015 by observing that till the committee submits its report, no recovery would be effected from the petitioners and liberty was granted to the petitioners to avail their remedy in accordance with law, if the report goes against them. Thereafter respondent No. 2 amended the said Rules, which came into effect on 30.05.2017 and as per Rule 5, the pay of the petitioner is fixed on lower side n

comparison to the previous fixation and the pay of the petitioner is ordered to be reduced.

There the validity of the Common Cadre Rules (Amended) 2017 were challenged before this Court in CWP No. 21147-2017 and this Court disposed of the writ petition by observing as under:-

“Keeping in view the aforesaid circumstances and settled principles of law that no order having civil consequence can be passed without affording opportunity of hearing and the action of the respondents in the present case being in violation thereof namely reduction in pay of the petitioners without affording them opportunity of hearing, in our opinion, the action deserves to be set aside. Ordered accordingly. The Registrar, Cooperative Societies, Haryana who, it is stated to be the competent authority, will issue show cause notices to the petitioners and any other affected employee of the proposed action of reduction of pay, if any, in terms of amendment as referred to above to enable the affected persons to respond to the same within one month of the service of notice on the affected persons. It would be appropriate if the show cause notices are issued by the Registrar, Co-operative Societies to the employees who may be affected within one month from the date of receipt of copy of the order. After response is received from the persons to whom notices are to be issued. The matter shall be finally disposed of within a period of one month thereafter by passing a speaking order. Entire exercise be concluded within a period of three months.

As the action has been taken by the authorities for reduction in pay of the petitioners without affording opportunity of hearing, operation of the impugned order shall remain stayed for a period of three months, however, subject to the condition that in case the reduction in pay of the petitioners is found to be justifiable, the amount, if any paid, shall be recoverable

from them.

The issue regarding challenging to the vires of the amendment is left open.

The writ petitions are disposed of in the aforementioned terms.

Notice of motion .

On asking of the Court, Mr. Hitesh Pandit, Addl.A.G, Haryana accepts notice on behalf of the State. Learned counsel for the petitioner is directed to supply copy of the petition to the learned State counsel by today itself.

In view of the above factual position, the present petition stands disposed of by giving direction to the respondent No.3 to take fresh decision on reduction of salary of the petitioner after giving due notice to him and till the decision is taken, the impugned resolution dated 23.02.2018 (P-8) shall remain stayed for three months.

16.08.2018
G Arora

Whether speaking/reasoned
Whether reportable

(RITU BAHRI)
JUDGE

Yes
No