

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 5356 of 2016

Date of Decision: 13.07.2018

Suresh Chander Sharma

...Petitioner

Vs.

Managing Director, The Hisar District Central Cooperative Bank
Limited and others

...Respondents

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

Present: Nemo.

RAJIV NARAIN RAINA, J. (Oral)

1. Preliminary objection has been taken by the respondents that the petition is not maintainable as an effective alternative remedy of appeal is available to the petitioner under Rule 31 of the Haryana State Central Cooperative Bank Staff Service (Common Cadre) Rules, 1975 against the impugned order of dismissal dated 22.05.2015 (Annex. P-10). By that order, the services of the petitioner were dismissed by the Board of Directors of the answering respondent in their meeting held on 08.05.2015 in pursuance to the provision of Rule 27 read with Rule 29(b) of the Service Rules. The relevant provisions of Rule 29 (b) and Rule 31 are reproduced as under:

“Rule 29 (b) the authorities specified in Column 3 below shall be competent in impose penalties specified in column 3 in respect of employees working in the central cooperative banks

31. Appeals:-

31.1 an appeal against the order of the competent authority imposing a penalty under rule 27 shall lie with the authorities mentioned in column of Rule 29.

31.2 No appeal shall be entertained unless it is made within 30 days from the date of communication of the order. The appellate authority may, however, entertain any appeal within 90 days of the said date if the appellant has sufficient cause for not submitting the appeal in time.

31.3XXXXXXXXXXXX

31.4 All appeals shall ordinarily be decided within a period of 4 months from the date of receipt of the appeal.”

2. This petition was filed on 15.03.2015 after the period of expiry of limitation as prescribed in the rules. The preliminary objection is sustained and the petitioner is relegated to his remedy in appeal before the Registrar Cooperative Societies, Haryana against the order of dismissal in a case involving embezzlement etc. While dismissing the petition, it is observed that in case appeal is filed, the Registrar Cooperative Societies, Haryana would consider the request, if made, for condoning the delay in filing the appeal.

3. With these observations and directions, the present petition is disposed of relegating the petitioner to his regular alternative remedy of appeal. It is expected that the appeal, if filed, will be decided expeditiously preferably within four months from the date of supply of this order.

(RAJIV NARAIN RAINA)

13.07.2018
kv

JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>