

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

CWP No. 28566 of 2017

Date of decision: 12.01.2018

Ashok Kumar

...Petitioner

versus

Financial Commissioner Haryana and others

...Respondents

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

Present : Mr. Deepak Girotra, Advocate
for the petitioners.

Ms. Shruti Jain Goyal, AAG Haryana.

Mr. L.N. Sharma, Advocate
for respondent No.6.

Mr. Sat Narain Yadav, Advocate
for respondent Nos. 7 & 8.

RAJIV NARAIN RAINA, J. (ORAL)

After hearing the respective counsel at some length in the context of the order dated 03.03.2017 passed by the District Registrar, Firms and Societies Rewari appointing Dr. L.N. Sharma, Principal (Retd.) Government College for Women (Rewari) as an Administrator of the Society with the dual duty to manage day to day affairs of the Society and for conducting the elections of the collegiums/new governing body of the Society. The election was directed to be conducted within three months as per the provisions of HRRS Act and Rules 2012/ Bye laws of the Society.

2. Having regard to the charges levelled against the petitioner

by society and finding that the order has been passed by ad-hoc management/ad-hoc governing body without associating or taking directions from the administrator appear to be prima facie in excess of jurisdiction.

3. I deem it fit to stay the operation of the order (Annexure P-9 & P-10) and remit the matter to the Educational Tribunal which has jurisdiction over the subject matter in view of the decision of the Division Bench of this Court in Management of S.D. Model Senior School and another Vs. District Judge-cum-Service Tribunal and another; 2014 (1) SCT 652 holding that all service disputes shall be appealable before the Educational Tribunal in exercise of executive powers of the State as duly notified by the State of Haryana in the notifications dated 08.09.2005 and 07.05.2013. The stay will continue till such time as Educational Tribunal hear the parties and pass an appropriate order on stay matter and in the main appeal.

Parties are remitted to the Educational Tribunal to appear on 14.02.2018.

The file of this case be sent to the Educational Tribunal, Rewari.

(RAJIV NARAIN RAINA)
JUDGE

12.01.2018

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Whether speaking/reasoned : *Yes*
Whether reportable : *No*