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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-27882-2018
Date of Decision : October 31, 2018

Ram Singh

.... Petitioner.

Versus

State of Punjab and others.

.... Respondents.

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present Mr. Vishal Sharma, Advocate
for the petitioner.

SHEKHER DHAWAN, J.

Present writ petition under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of certiorari for setting-aside the impugned order dated 4.7.2018 (Annexure P/14) whereby appeal filed by the petitioner has been rejected without assigning any reason or giving opportunity of hearing by respondent No.1.

2. Petitioner retired on 31.05.2010 as Inspector Cooperative Societies from respondent – Co-operation Department, Punjab. He was initially appointed on *ad hoc* basis on the post of Sub Inspector in the respondent-Department vide appointment letter dated 30.06.1976 (Annexure P/2) as he was having the required qualification of Matriculation with 2nd Division and Diploma in Cooperation from Cooperative Training

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Institute. Subsequently, the educational qualifications were revised and the services of adhoc employees were to be regularized. The petitioner was relieved on 9.10.1979 on the ground that the petitioner did not fulfill the requisite qualifications as per Service Rules, 1978, totally ignoring the instructions dated 3.5.1977 and clarification dated 4.5.1979.

3. Meanwhile, Punjab Cooperative Services Class III Service Rules, 1978 (for short, "the Rules") were framed and the qualifications for the post of Sub Inspector were fixed as Graduation from a recognized University or its equivalent. But, the petitioner did not fulfill the new qualifications, though he was having the required qualifications at the time of his initial appointment on 30.6.1976. He was not regularized rather his services were terminated. The appeal having been filed by the petitioner was accepted vide 9.10.1992 (Annexure P/7) and the relevant concluding paragraph of the said order is extracted below:-

"2. After hearing the appellant/E.O. Registrar, Cooperative Societies office and going through the record and comments of Registrar, Cooperative Societies, I set aside the order passed by Deputy Registrar, Cooperative Societies, Hoshiarpur and give him afresh appointment on regular basis as Sub Inspector Grade-II (now designated as Inspector Grade-I of Cooperative Societies) with no liability to pay his earlier claim as he has given an undertaking to claim any arrears or agitate the matter any further".

4. As per the above order, the petitioner was given fresh appointment on regular basis and he was not entitled to claim arrears in view of his undertaking and the petitioner was not to agitate the matter.

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The said order was never challenged by the petitioner, probably because of the fact that the same was passed on his undertaking only. Thereafter, the impugned order, Annexure P/14 has been passed by the respondents, which is under challenge before this Court.

5. At the time of arguments, learned counsel for the petitioner fairly conceded that the order dated 9.10.1992 (Annexure P/7) was never challenged by the petitioner, meaning thereby that the said order has already attained finality. As per the said order, Annexure P/7, the petitioner was given fresh appointment only and respondents were not to pay any arrears as per the undertaking given by the petitioner.

6. In view of the above discussion, there is no illegality in the impugned order, Annexure P/14. There is no merit in the present writ petition and the same stands dismissed *in limine*.

(SHEKHER DHAWAN)
JUDGE

October 31, 2018.
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Whether speaking/reasoned? :	Yes
Whether reportable? :	Yes

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