

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

CWP-30169-2018

Date of decision: - 29.11.2018

Raj Kaur

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Satbir Singh Gill, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

Present writ petition has been filed by the petitioner challenging the order dated 25.05.2017 (Annexure P-6), passed by the Additional Chief Secretary to Government, Department of Cooperation, Haryana. By the said order, on an appeal preferred by Panjuana Primary Agriculture Cooperative Society Limited, Panjuana, District Sirsa (for short 'the Society'), the order passed by the Registrar, Cooperative Societies, Haryana dated 13.11.2014 has been set aside.

The brief matrix of the present case is that Raj Kumar (husband of the petitioner) was appointed as a casual Sweeper on 10.06.1991. Thereafter, his services were converted to the post of

Sewadar-cum-Chowkidar on 10.09.1993 and a salary of ₹500/- per month was being paid to him.

In the year 2002, keeping in view the decrease in the business of the Society, the salary of the husband of the petitioner was reduced. On 05.09.2002 the services of the petitioner were terminated by passing a resolution. Resolution in this regard was passed on 12.08.2002. Petitioner filed a writ petition in this Court being CWP No.16736 of 2013, seeking the benefits accruing to her late husband and the said writ petition was disposed of on 02.08.2013 by this Court by giving the directions to the Registrar, Cooperative Societies, Haryana, to pass a speaking order in respect of the claim made by the petitioner.

In pursuance to the said order passed by this Court on 02.08.2013, the Registrar, Cooperative Societies, Haryana, passed an order dated 13.11.2014 by which a direction was given to the Society to pay the salary to the petitioner upto the date of death of her husband i.e. 08.12.2008.

Against the order dated 13.11.2014, the Society filed a revision petition before the Secretary to Government of Haryana, Department of Cooperation. While deciding the revision on 25.05.2017, respondent No.1 has accepted the appeal. It has been held that once the services of the husband of the petitioner were terminated vide resolution dated 12.08.2002, no direction could have been issued to the Society to make the payment to the petitioner for monthly salary, which the husband of the petitioner was drawing upto the date he passed away i.e. 08.12.2008. It has been recorded that the husband of the petitioner did

not challenged the order of termination during his life time and even now, there is no challenge to the same.

This order dated 25.05.2017 (Annexure P-6) has been challenged by the petitioner in the present writ petition.

I have heard the learned counsel for the petitioner and gone through the record.

It has been admitted by the petitioner that vide resolution dated 12.08.2002, the services of the husband of the petitioner were terminated. Counsel for the petitioner place reliance upon a letter written by Inspector, Cooperative Societies, Baragudha, to the Assistant Registrar, Cooperative Societies, Sirsa dated 15.09.2009 to say that the resolution dated 12.08.2002 was withdrawn. But no such order/resolution has been placed on record to say that at any stage the Society or the State exercising its power under the Haryana Cooperative Societies Act, set aside the resolution dated 12.08.2002. In the absence of any material on record, the bald averment made in the petition that the resolution dated 12.08.2002 was not in existence on the date when the husband of the petitioner died, cannot be accepted. Document (Annexure P-2) is only a letter, which has been written by the Inspector, Cooperative Societies, Baragudha to the Assistant Registrar, Cooperative Societies, Sirsa and that too in the year 2009, much after the death of husband of the petitioner.

In the absence of any material on record in this petition, the factual position which is being projected by the petitioner about the withdrawal of resolution dated 12.08.2002, cannot be accepted.

Therefore, once by resolution dated 12.08.2002 the services of the husband of the petitioner were terminated, the petitioner cannot be made entitled for the salary which her husband was drawing upto the date of his death i.e. 08.12.2008.

In view of the above, no fault can be found with the impugned order dated 25.05.2017 (Annexure P-6) and therefore, the present writ petition is dismissed without any order as to costs.

November 29, 2018
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No