

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

**C.W.P 15242 of 2019
Date of decision : 30.05.2019**

Bhagwant Singh

.....Petitioner

versus

State of Haryana, Cooperation Department, Chandigarh & ors.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Ms. Sharmila Sharma, Advocate
for the petitioner.

RITU BAHRI, J. (Oral)

Petitioner is seeking quashing of impugned order dated 03.05.2016 (P-10) passed by respondent No. 3 whereby resolution No. 5 dated 10.04.2013 passed by respondent No. 4 has been rescinded. Further prayer of the petitioner is for quashing of order dated 18.08.2016 and 08.03.2019 (P-11 and P-12) respectively.

The petitioner was appointed as Computer Operator by the Managing Committee of respondent No. 3-Society by passing a resolution No. 5 dated 10.04.2013 and the services of the petitioner were regularised. However, DRCS Hissar rescinded the resolution, vide order dated 03.05.2016.

A bare perusal of the impugned order shows that there was no sanctioned post of Computer Operator-cum-Assistant Accountant in the respondent-Society and the procedure laid down in the Service Rules was not adopted in deciding the appointment and regularisation of the service of the petitioner by the Managing Committee of the Society. As per Rules, the Managing Committee has to decide such appointment in the presence of

Assistant Registrar Cooperative Societies, Inspector Cooperative Societies and District Manager of HAFED but none of these were present when decision to regularise the service of the petitioner was taken.

The present petition is liable to be dismissed as Rule 3 of Service Rules, 2003 (amended up to date) provides that power to make appointment shall vest with BOD/BOA of the Society, further the decision of appointment to various categories of service shall be taken in the meeting in which the presence and concurrence of concerned Assistant Registrar Cooperative Societies, Inspector Cooperative Societies and District Manager of HAFED shall be compulsory. Any addition, alteration or amendment in the service Rules will be subject to prior approval of Registrar, Cooperative Societies, Haryana.

Since appointment of the petitioner was not made as per above said rule, the impugned orders have rightly been passed.

Dismissed.

May 30, 2019

G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No