

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

CWP No.6990 of 2011 (O&M)

Date of Decision: 08.04.2019

The Mandi Adampur Co-operative Marketing Society Limited

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- None for the petitioner.

Mr. Sunil Kumar Vashisth, DAG, Haryana.

ARUN MONGA, J.(ORAL)

The petitioner-Society has impugned the order dated 03.02.2010 (Annexure P-6), passed by the Revisional Authority whereby, the Order dated 07.11.2008 of Registrar Cooperative Societies (Appellate Authority) as also order dated 29.12.2008 passed by Deputy Registrar Cooperative Societies and order dated 16.01.2009 passed by the petitioner-Society were set aside and the petitioner was directed to reinstate respondent No.2 with all consequential service benefits.

2. Having gone through the rival pleadings and heard the learned Deputy Advocate General appearing for respondents No.1, 3 and 4, I am of the opinion that the impugned order does not call for any interference in the present proceedings.

3. Respondent No.2 was appointed as 'Salesman' by the petitioner-society on regular basis. His services were governed by

Primary Cooperative Marketing-cum-Processing Societies, Staff Service Rules, 2003. Under Rule 27 of the Rules, *ibid*, services of the petitioner can be terminated only under Rule 30 on the grounds stated therein. In this case, however, the services of the petitioner were terminated without there being any grounds as envisaged under Rule 27 (*supra*).

4. The learned Financial Commissioner/Revisional Authority has rightly observed that on one hand, services of daily wagers are being regularized while on the other hand, respondent No.2, who was a regular employee, has been terminated vide a Resolution dated 15.01.2009 passed by the petitioner-Society. No plausible reason has been assigned by the Registrar Cooperative Societies in his order dated 07.11.2008 for directing the Deputy Registrar Cooperative Societies to rescind the Resolution dated 07.11.2007 qua respondent No.2.

5. For the aforesaid reasons, present writ petition is dismissed. In case the order under challenge has not been complied with, the needful shall be done and all consequential benefits be granted to respondent No.2 within a period of 3 months from the date of receipt of a certified copy of this order.

(ARUN MONGA)
JUDGE

08.04.2019

vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No