

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-27120-2017 (O&M)

Date of decision: 21.01.2019

**Sirsa Central Cooperative Bank Employees (Class-III) Association,
Cooperative Bank Sirsa** **...Petitioner**

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. C.P. Tiwana, Advocate for
Mr. Vineet Kumar, Advocate for the petitioner.

Mr. Hitesh Pandit, Addl. A.G., Haryana.

Mr. Sharad Chaudhary, Advocate for respondent No. 5.

Ritu Bahri, J. (Oral).

This order shall dispose of CWP-548-2019, CWP-27120-2017, CWP-21437-2018, CWP-22024-2018, CWP-26333-2018, CWP-24398-2018, CWP-24391-2018, CWP-22226-2018, CWP-28014-2018, CWP-16314-2018, CWP-24618-2018, CWP-10602-2018, CWP-10603-2018, CWP-10604-2018, CWP-13901-2018, CWP-13940-2018, CWP-29765-2018, CWP-26061-2018, CWP-29468-2018, CWP-24621-2018, CWP-24098-2018, CWP-26684-2018, CWP-27225-2018, CWP-28364-2018, CWP-24423-2018, CWP-30189-2018, CWP-29804-2018, CWP-29908-2018, CWP-38124-2018, CWP-27890-2018, CWP-40632-2018, CWP-40638-2018, CWP-37872-2018, CWP-30694-2018 and CWP-40647-2018.

All the above said petitions pertain to extension of retirement age from 58 years to 60 years. However, the facts are being extracted from CWP-27120-2017.

The petitioners are seeking direction to the respondents to consider their legal notice dated 10.07.2017 (Annexure P-6) whereby they are demanding to raise their date of retirement from 58 years to 60 years being the employees of the Central Cooperative Banks in the State of Haryana are performing their duties under the instructions of Reserve Bank of India/NABARD. They have taken a plea that class IV employees of the Bank retire on the age of 60 years.

After notice, interim order dated 25.04.2018 was passed and the resolution of the Bank dated 11.09.2017 was put in operation till such time Registrar Cooperative Societies, Haryana decides the matter referred to it by the respondent-Bank and the petitioners were to continue beyond 58 years to 60 years till the Registrar took a final decision.

After passing of the interim order dated 25.04.2018, applications for vacation of the stay (CM-17575-CWP-2018) have been filed by the State and by the Bank (CM-16311-CWP-2018) as well.

Learned counsel for respondent No. 5 submits that Mr. Krishan Kumar Gupta was authorized by the Bank and in order to procure the stay order, he has fabricated letter dated 15.09.2017 which was never signed by the General Manager of the Bank, in order to get benefit. The original letter dated 15.09.2017 is placed on record as Annexure R-5/4. This letter has been sent by the General Manager and the resolution was never sent to the Registrar for taking the decision in favour of the employees. He further submits that the demand of the petitioners was considered in the meeting dated 11.09.2017 of the Board of Directors of the Bank but the same was never forwarded to the Registrar, Cooperative Societies-Haryana. Vide letter no. 885 dated 26.04.2018, the General

Manager had only forwarded the copy of resolution as discussed in Annexure R-5/3.

Learned counsel for the State has referred letter dated 29.05.2018 (Annexure R-3/1) whereby after examining the whole issue in detail, it is held that enhancement of retirement age from 58 years to 60 years as mentioned in **resolution No. 18 dated 11.09.2017 of BODs of the Bank, cannot be considered because the retirement age of employees of HARCO Bank remaining 18 DCCBs and Urban Cooperative Banks is 58 years as per their Service Rules and Govt. instructions dated 26.11.2014.**

Since the interim order had been granted by this Court till the final decision of the Registrar and now the Registrar has declined their prayer vide decision dated 29.05.2018 (Annexure R-3/1). This petition in itself deserves to be dismissed.

Learned counsel for the State has further informed that Ambala Central Cooperative Bank has challenged the vires of the Rules in CWP-36148-2018 and on 15.01.2019, the same has been withdrawn with liberty to make representation to the Government. Since the vires of the Rules are not under challenge here, the petitioners have to retire at the age of 58 years and the Registrar has also given decision vide letter dated 29.05.2018, this petition is being dismissed giving liberty to the petitioners to approach the Government for amendment of the Rules.

21.01.2019
Divyanshi

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

:
:

Yes/No
Yes/No