

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

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Civil Writ Petition No.33906 of 2019
Date of Decision: November 21st, 2019

Satbir Lather

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Pardeep Solath, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court praying for setting aside of the order dated 11.09.2019 (Annexure P-20) passed by the Additional Chief Secretary and Secretary to Government of Haryana, Cooperation Department-respondent No.1 and agenda dated 11.11.2019 (Annexure P-21) issued by respondent No.6-the Prabandhak of the Society.

2. On considering the submissions made by the counsel for the petitioner and on going through the order dated 11.09.2019 (Annexure P-20) passed by respondent No.1, this Court is satisfied that the order as passed by respondent No.1 do not call for any interference as the grievance of the Managing Committee of The Karnal Haryana PACS Limited, Karnal-respondent No.6 has been taken care of by making a clear observation that the direction/letter dated 31.05.2019 issued by the Assistant Registrar, Cooperative Societies, was not required to be made in the manner, it has been made, meaning thereby that the said order has no force at all and amounts to having been set aside, may be not in a harsh manner but in a polite language, the intent of the order is same. It goes without saying that such type of directions issued by the Assistant Registrar, Cooperative Societies, are uncalled for and nothing more is required to be

said at this stage. The Managing Committee has been held to be the competent authority to take appropriate decision on the agenda which has been circulated by the Prabandhak and is being re-circulated on 11.11.2019 (Annexure P-21). The assertion of the counsel for the petitioner that the agenda, which has been circulated, is so worded as if the Managing Committee has to accept the application of respondent No.4- Bhupender Singh for reinstatement. This assertion, the counsel states, would be violative of the circular/policy decision dated 21.11.1996 (Annexure P-22) of the Government of Haryana, which states that according to the policy decision of the Government, an employee who leaves Government service to take part in elections, would not be re-employed to its service thereafter. However, he can seek re-employment but that would be without any continuity of service and that too through proper procedure.

3. This contention of learned counsel for the petitioner is to be taken care of by the Managing Committee at their own level and they have to take a decision on the application of said respondent No.4- Bhupender Singh in the light of the order dated 11.09.2019 (Annexure P-20) passed by respondent No.1, where it has clearly been mentioned that the Managing Committee is the competent authority to take a decision in this regard, the onus now is with the Managing Committee to take a decision, especially in the light of the observation of respondent No.1 in its order dated 11.09.2019 that the order/directions dated 31.05.2019 issued by the Assistant Registrar, Cooperative Societies, would have no effect and the society has to take an independent decision in this regard, meaning thereby that they are not to be in any manner influenced by the said order.

4. In view of the above, no further orders are required to be passed except that the competent authority should exercise its powers in accordance with law.

5. The writ petition stands disposed of accordingly.

November 21st, 2019

Puneet

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No