

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH

PANKAJ KUMAR  
2020.07.16 14:51  
and  
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CWP No.3829 of 2018 (O&M)

Date of Decision: 14.07.2020

(Heard through VC)

Punjab State Federation of Co-operative House Building Societies Ltd.  
(Housefed) ...Petitioner

Versus

Registrar Co-operative Societies, Punjab and another ...Respondents

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. Vipul Sharma, Advocate  
for the petitioner.

Ms. Simran Grewal Randhawa, AAG, Punjab  
for respondent No.1.

Mr. Munish Bhardwaj, Advocate  
for the applicant-respondent No.2.

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**JAISHREE THAKUR, J. (ORAL)**

With the consent of parties, hearing of the instant writ petition is  
preponed from 18.08.2020 for today itself.

The instant writ petition has been filed by the Punjab State  
Federation of Co-operative House Building Societies Ltd. (Housefed) seeking  
to challenge the order passed by the Assistant Registrar, Co-operative Societies,  
Punjab, Chandigarh whereby the matter has been remanded back to the  
concerned authorities for passing a fresh order.

In brief, the facts are that the respondent No.2 was appointed as  
Peon on compassionate basis on 01.12.2014 and was placed on two years  
probation. He was suspended from service on 03.03.2015 and during the  
suspension period, he was directed to report at Head Office, Chandigarh. The  
respondent No.2 was issued a charge-sheet by the Managing Director on

30.04.2015 and thereafter, an enquiry officer and a presenting officer were also appointed. The enquiry officer in his report dated 03.08.2015 submitted that respondent No.2 had accepted all charges leveled against him and it was recommended that services of respondent No.2 should be terminated. Based on the abovesaid report, a show cause notice was issued to him and the Managing Director by an order dated 06.04.2016 terminated the services of respondent No.2.

Against the termination order, respondent No.2 filed an appeal before the Board of Directors but his appeal was also dismissed vide order dated 14.10.2016. Thereafter, respondent No.2 was asked to vacate the residential accommodation provided to him. A revision petition was also filed against the order of termination before the Assistant Registrar, Co-operative Societies, Punjab, Chandigarh under Rule 18 of the Punjab State Cooperative Housing Federation Service Rules, 2001. The revisional authority examined the matter and came to the conclusion that the medical examination of the employee was not done in a government hospital to conclude that he had consumed liquor while on duty. Consequently, the resolution dated 14.10.2016 passed by the Board of Directors was set aside and the matter was remanded back to the Board of Directors for passing a fresh order.

Aggrieved against the said order, the instant writ petition has been filed, taking the plea that respondent No.2 is stated to have repeatedly been reporting on duty, while being drunk and therefore, he would not be entitled to re-instatement in the light of the fact that his probation period has not been completed.

Learned counsel appearing on behalf of the petitioner argues that respondent No.2 was charge-sheeted for being drunk during office hours and

for not obeying the orders. An enquiry was conducted in the matter and all charges framed against the respondent No.2 have been proved. He was also given a personal hearing before the impugned order was passed.

Per contra, learned counsel appearing on behalf of respondent No.2 submits that the termination orders have been set aside by the competent authority as far back as 26.05.2017 and therefore, instead of deciding the matter afresh as directed by the Assistant Registrar, Cooperative Societies, Punjab, the instant writ petition has been preferred. It is also argued that respondent No.2, whose termination order has been set aside, is now being asked to vacate his residential accommodation that has been allotted to him, which would put him to great hardship in case he is allowed to continue in service.

I have heard learned counsel for the parties and propose to dispose of the writ petition by directing the petitioner herein to decide the matter afresh in terms of the order passed on 26.05.2017 by the Assistant Registrar, Co-operative Societies, Punjab, Chandigarh. The respondent No.2 would be issued a notice afresh and would be given an adequate opportunity of hearing before any order is passed. Needless to say that his eviction from the residential premises would be kept in abeyance till such time as a fresh speaking order is not passed by the concerned authorities as directed vide order dated 26.05.2017 by the Assistant Registrar, Co-operative Societies, Punjab.

The writ petition stands disposed of in above terms.

**(JAISHREE THAKUR)**  
**JUDGE**

**July 14, 2020**  
Pankaj\*

Whether speaking/reasoned      Yes/No

Whether reportable      Yes/No