

202 and connected cases.

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

(1) CWP No.25971 of 2019

Ajaib Singh and others ...Petitioners

Versus

State of Haryana and othersRespondents

(2) CWP No.1429 of 2020

Rohtash Kumar and others ...Petitioners

Versus

State of Haryana and othersRespondents

(3) CWP No.1432 of 2020

Surinderpal Singh and others ...Petitioners

Versus

State of Haryana and othersRespondents

(4) CWP No.1440 of 2020

Mohinder Kumar and another ...Petitioners

Versus

State of Haryana and othersRespondents

(5) CWP No.1441 of 2020

Prem Chand and others ...Petitioners

Versus

State of Haryana and others	Respondents
(6)	CWP No.1506 of 2020
Krishan Kumar	...Petitioner
	Versus
State of Haryana and others	Respondents
(7)	CWP No.1009 of 2020
Man Singh and others	...Petitioners
	Versus
State of Haryana and others	Respondents
(8)	CWP No.1030 of 2020
Kuldeep Singh and others	...Petitioners
	Versus
State of Haryana and others	Respondents
(9)	CWP No.1031 of 2020
Krishan Kumar and others	...Petitioners
	Versus
State of Haryana and others	Respondents
(10)	CWP No.1600 of 2020
Ram Pal and others	...Petitioners
	Versus
State of Haryana and others	Respondents

(11)	CWP No.881 of 2020
Ishwar Singh and others	...Petitioners
	Versus
State of Haryana and others	Respondents
(12)	CWP No.885 of 2020
Harjeet Singh and others	...Petitioners
	Versus
State of Haryana and others	Respondents
(13)	CWP No.886 of 2020
Shyam Lal and others	...Petitioners
	Versus
State of Haryana and others	Respondents
(14)	CWP No.903 of 2020
Isham Singh and others	...Petitioners
	Versus
State of Haryana and others	Respondents
(15)	CWP No.906 of 2020
Hawa Singh and others	...Petitioners
	Versus
State of Haryana and others	Respondents
(16)	CWP No.908 of 2020
Ram Karan and others	...Petitioners

Versus

State of Haryana and others	Respondents
(17)	CWP No.912 of 2020

Jaipal Singh and others	...Petitioners
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Versus

State of Haryana and others	Respondents
(18)	CWP No.928 of 2020

Bakshish Singh and others	...Petitioners
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Versus

State of Haryana and others	Respondents
(19)	CWP No.929 of 2020

Suraj Bhan and others	...Petitioners
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Versus

State of Haryana and others	Respondents
(20)	CWP No.941 of 2020

Jaipal and others	...Petitioners
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Versus

State of Haryana and others	Respondents
(21)	CWP No.960 of 2020

Sanjay Kumar and others	...Petitioners
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Versus

State of Haryana and others	Respondents
(22)	CWP No.965 of 2020
Ishpal and others	...Petitioners
	Versus
State of Haryana and others	Respondents
(23)	CWP No.32882 of 2019
Rajender Singh and others	...Petitioners
	Versus
State of Haryana and others	Respondents
(24)	CWP No.30756 of 2019
Chander Pal and others	...Petitioners
	Versus
State of Haryana and others	Respondents
(25)	CWP No.28286 of 2019
Subhash Chander and others	...Petitioners
	Versus
State of Haryana and others	Respondents
(26)	CWP No.1848 of 2020
Ram Rattan Sharma and another	...Petitioners
	Versus
State of Haryana and others	Respondents

- (27) CWP No.34400 of 2019
- Vijender and others ...Petitioners
- Versus
- State of Haryana and othersRespondents
- (28) CWP No.37246 of 2019
- Darshan Singh and others ...Petitioners
- Versus
- State of Haryana and othersRespondents
- (29) CWP No.37411 of 2019
- Suresh Kumar and others ...Petitioners
- Versus
- State of Haryana and othersRespondents
- (30) CWP No.33369 of 2019
- Ramesh Kumar and others ...Petitioners
- Versus
- State of Haryana and othersRespondents
- (31) CWP No.25993 of 2019
- Majid Khan and others ...Petitioners
- Versus
- State of Haryana and othersRespondents
- (32) CWP No.26455 of 2019
- Ranjit Singh and others ...Petitioners

Versus

State of Haryana and othersRespondents

(33) CWP No.27100 of 2019

Sohan Lal and others ...Petitioners

Versus

State of Haryana and othersRespondents

(34) CWP No.27190 of 2019

Mahipal Singh and others ...Petitioners

Versus

State of Haryana and othersRespondents

(35) CWP No.27215 of 2019

Gurnam Singh and others ...Petitioners

Versus

State of Haryana and othersRespondents

(36) CWP No.31870 of 2019

Devinder Kumar and others ...Petitioners

Versus

State of Haryana and othersRespondents

(37) CWP No.34504 of 2019

Gurmail Singh and others ...Petitioners

Versus

State of Haryana and othersRespondents

(38) CWP No.35303 of 2019

Krishan Lal and others ...Petitioners

Versus

State of Haryana and othersRespondents

(39) CWP No.36357 of 2019

Bhagwant Sharma ...Petitioner

Versus

State of Haryana and othersRespondents

(40) CWP No.10 of 2020
Date of Decision: 10.02.2020

Shish Pal and others ...Petitioners

Versus

State of Haryana and othersRespondents

Coram : Hon'ble Mr. Justice B.S.Walia

Present: Mr. Rajeev Sharma (Raju), Advocate for the petitioners in
all the cases except CWP No.36357 of 2019.
Mr. Kripal Singh, Advocate for
Mr. Aman Pal, Advocate in CWP No.25971 of 2019.

None for the petitioner in CWP No.36357 of 2019.

Mr. Harish Rathee, Sr. DAG, Haryana.

Mr. Subhash Ahuja, Advocate for respondent No.3
in CWP No.36357 of 2019.

Mr. Satbir Mor, Advocate for respondent No.3
in CWP No.25993 of 2019.

Mr. R.S. Panghal, Advocate for respondent No.4
in CWP No.25993 of 2019.

Mr. Kuldip Singh, Advocate for respondent No.5

in CWP No.37246 of 2019, respondent No.11
in CWP No.35303 of 2019 and respondent No.4
in CWP No.10 of 2020.

Ms. Tanya Malik, Advocate for respondent No.5
in CWP No.25971 and 27215 of 2019, respondent No.6
in CWP Nos.903 and 912 of 2020, CWP No.32882,
26455 and 27190 of 2019, respondent Nos.6 to 8
in CWP Nos.30756 and 28286 of 2019,
respondent Nos.5 to 10 in CWP No.35303 of 2019 and
respondent Nos.7 to 17 in CWP No.31870 of 2019.

Mr. Govind Chauhan, Advocate for Co-operative society.

Mr. Rajender Kumar, Advocate for respondent No.6
in CWP No.37411 of 2019.

B.S.Walia, J. (Oral).,

1. This order shall decide aforementioned CWPs as prayer in all the writ petitions is for quashing of letter dated 08.08.2019 in all writ petitions attached along with as Annexure P/15 in CWP No.25971 of 2019, vide which, Assistant Registrar, Cooperative Societies, Karnal, directed respondent No.4 i.e. Inspector, Cooperative Societies, Indri Circle, District Karnal, to stop the salary of the petitioners, being drawn by them in violation of the Primary Agricultural Cooperative Societies Staff Service/Primary Cooperative Credit & Service Societies (Second Amendment) Rules, 2017 (hereinafter referred to as '2017 rules').

2. Sole argument of learned counsel for the petitioners is that in the absence of fixation of pay of the petitioners in accordance with the 2017 rules, it is not open to the respondents to stop the salary of the petitioners allegedly on the ground that the same is being drawn in excess of the 2017 rules. It needs mention here that the petitioners who are working on different posts in different Primary Agricultural Cooperative Societies, approached this Court by way of CWP No.21147 of 2017 and

other connected writ petitions with a grievance that the salary being drawn by them was reduced in view of 2017 rules, effective from 30.05.2017, without affording any opportunity of hearing. The petitioners also challenged the vires of 2017 rules. However, Hon'ble the Division Bench of this Court disposed of the writ petition in the light of prayer therein that CWP No.29546 of 2017, titled as Darshu Lal and others vs. State of Haryana and others, had been disposed of by a learned Single Bench to decide the matter afresh qua grievance of the petitioners therein of their pay having been reduced without affording opportunity of hearing vide order dated 21.12.2017. Accordingly, vide order dated 21.12.2017, operation of impugned order reducing pay of the petitioners was stayed for a period of three months subject to the condition that in case reduction in pay of the petitioners was found to be justifiable, amount, if any paid, to the petitioners would be recoverable. However, issue with regard to challenge to the vires of the amendment was left open.

3. Pursuant to the orders of Hon'ble the Division Bench, in CWP No.21147 of 2017, order Annexure P/13 dated 05.12.2018, was passed negating the plea that the 2017 rules were applicable prospectively and that Rule 5 was liable to be quashed. As regards, plea for fixing salary of PACS/PCCS employees and other demands for removing discrepancies in PACS service rules submitted by the Primary Agriculture Cooperative Societies Employees Union, Haryana, vide representation dated 6.07.2015, it was ordered that a committee had been constituted vide office order No.10223-27 dated 24.08.2018, to study the said demands and the same was under consideration. Annexure P/13 dated 05.12.2018 also provided for constitution of a Committee at the

level of each district to be constituted to examine each and every case separately for action to be taken as per rules, in case of employees of PACS/PCCS vis-à-vis wrong fixation of their pay.

4. Learned counsel for the petitioners contended that the sole grievance of the petitioners is that in the absence of any order with regard to the fixation of pay of the petitioners as per 2017 rules and supply of orders in respect thereto, it is not open to the respondents to stop the salary of the petitioners or for that matter reduce the same. Learned Sr. DAG on the other hand on instructions from Shri Virender Kumar, Addl, Registrar, Cooperative Societies, Haryana who is present in the Court states that the pay of the petitioners has already been fixed pursuant to grant of opportunity of hearing and that copy of order fixing pay of each of the petitioners shall be furnished to the petitioners and only thereafter action as warranted in the facts of the case would be taken as per law.

5. Aforementioned stand of the respondents satisfies learned counsel for the petitioners.

6. In the light of the position as noted above, the writ petitions are disposed of by directing the respondents to furnish to each of the petitioners, a copy of the order fixing their pay and only thereafter take action if any as may be warranted in respect thereto in accordance with law.

(B.S.Walia)
Judge

10.02.2020

rajesh.k.khurana

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No