

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

CR-9591-2021

Date of Decision:02.08.2021

Ashwani Kumar

....Petitioner

VS

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sunil Kumar Bhorla, Advocate and
Mr. Kanhiya Soni, Advocate
for the petitioner

Mr. S.K Verma, Advocate
for respondents No.3 to 5

SUDHIR MITTAL, J. (Oral)

The petitioner is allegedly a shareholder of the Meham Cooperative Sugar Mills Limited. He has filed this writ petition challenging order dated 26.02.2021 promoting respondent No.6 as the Chief Engineer of the said sugar mill.

On the previous date of hearing, it had been observed that in view of judgment of the Hon'ble Supreme Court in '*S.S. Rana vs. Registrar, Co-operative Societies and another*' 2006(4) SCJ 543, a writ petition against a co-operative society is not maintainable.

Learned counsel for the petitioner has not addressed the Court on this issue at all.

It has been submitted that the order of promotion has been passed in violation of order dated 12.02.2021 passed in CWP No.2243 of 2021 (Annexure P-6) whereby, this Court had directed stay of further promotions in any sugar mill in the State of Haryana. Moreover, vide order dated 18.08.2020 passed by the Deputy Commissioner-cum-Chairman of the sugar mill, a finding has been returned that

respondent No.6 was not qualified to hold the office of Chief Engineer. Thus, the order of promotion dated 26.02.2021 deserves to be set aside.

A perusal of order dated 12.02.2021 (Annexure P-6) shows that the controversy in the said case was regarding promotion of persons who did not belong to the feeder cadre and who were junior in service. In that context, the order of stay of further promotion was passed. Thus, considered, the said would not apply to the case of the petitioner in any manner. Further, order dated 18.08.2020 passed by the Deputy Commissioner-cum-Chairman cannot be said to be an authority for determining the eligibility of respondent No.6. No rule/regulation which may have been violated, has been brought to the notice of this Court.

In view of the above, the writ petition is dismissed both on merits and on the ground of maintainability.

(SUDHIR MITTAL)
JUDGE

02.08.2021
Poonam Negi

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No