IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-19332-2021
Date of decision:-24.9.2021

Devi Lal

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.C.R. Dahiya, Advocate
for the petitioner.

****

H.S. MADAAN, J.

Petitioner- Devi Lal serving with Hanspur Primary Agriculture Cooperative Society Ltd., Hanspur as Prabhandak has brought the present civil writ petition against respondents i.e. State of Haryana through its Additional Chief Secretary, Home Department, Deputy Registrar Cooperative Societies, Hisar, Assistant Registrar Cooperative Societies, Fatehabad, Inspector Cooperative Societies, Fatehabad- 1, Inspector Cooperative Societies, Ratia and Hanspur Primary Agriculture Cooperative Society Ltd., Hanspur, craving for issuance of a writ in the nature of certiorari for quashing the enquiry report dated 16.12.2020, copy Annexure P1, conducted by respondents No.4 and 5, further praying that respondents be directed not to lodge FIR against the present petitioner on the basis of said enquiry report.

BRIJ MOHAN BHALLA
2021.09.24 15:17
I attest to the accuracy and
integrity of this document

As it transpires from the record, a complaint was filed in the C.M. Window on 13.10.2020 regarding irregularities and illegalities being there in the functioning of respondent No.6 – Cooperative Society, as such Assistant Registrar, Cooperative Societies, Fatehabad – respondent No.3 constituted a joint committee comprising of Inspector, Cooperative Societies, Fatehabad-1 and Inspector, Cooperative Societies, Ratia, District Fatehabad, respondents No.4 and 5, respectively to inquire into the matter. Such committee accordingly did so and submitted report on 16.12.2020 finding various employees including the present petitioner of Hanspur Primary Agriculture Cooperative Society Ltd., Hanspur being guilty of misappropriation and embezzlement of funds of the said society. The details of such wrongful acts and omissions on the part of the petitioner are given in the report. It was further concluded that petitioner has caused loss to the society to the tune of Rs.1,58,000/- by taking less interest from the members, rather conclusion drawn was that there has been a big scam in respondent No.6 – society. After receipt of such report, Deputy Registrar, Cooperative Societies, Hisar gave approval to Assistant Registrar, Cooperative Societies, Fatehabad for lodging FIR against petitioner Devi Lal – Prabhandak, Mukh Raj, Salesman and Kulwinder Singh, Salesman and Assistant Registrar, Cooperative Societies, Fatehabad vide his letter dated 26.4.2021 has written to Senior Superintendent of Police, Fatehabad to register formal FIR in the matter.

The petitioner is feeling aggrieved by the inquiry report Annexure P1 and letter written by Assistant registrar, Cooperative Societies, Fatehabad to SSP, Fatehabad for registration of formal FIR in

BRIJ MOHAN BHALLA
2021.09.24 15:17
I attest to the accuracy and
integrity of this document

the matter against him and other employees.

Under the circumstances, the grouse of the petitioner is without any basis. On receipt of complaint two Inspectors of Cooperative Society, District Fatehabad had conducted a probe in the matter and submitted a detailed report. While conducting such type of inquiry, it is not necessary to join the officials complained against and furthermore observing various illegalities and irregularities on the part of the present petitioner and other employees showing misappropriations and embezzlement of funds, which constitute criminal offences, matter has been reported to the police. No fault can be found with such act and conduct on the part of the respondents. There is absolutely no reason to quash the inquiry report Annexure P1 and matter being taken by the department with the police for registration of formal FIR in the matter. No direction can be issued to respondents not to lodge FIR against the present petitioner on the basis of inquiry report. The action taken by the respondents in the matter is completely justified.

Even otherwise, a writ is to be issued in exceptional cases and not in routine. Here I do not find any reason to exercise such power.

The instant writ petition is dismissed accordingly.

24.09.2021 **(H.S.MADAAN)**
Brij **JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No

BRIJ MOHAN BHALLA
2021.09.24 15:17
I attest to the accuracy and
integrity of this document