

**In the High Court of Punjab and Haryana at Chandigarh**

**213**

**CWP-5787-2015 (O & M)**

**Date of Decision: November 15, 2022**

**THE BIHTA PRIMARY AGRICULTURE  
CO-OP SOCEITY LTD**

**.....PETITIONER**

**VERSUS**

**PRINCIPAL SECRETARY TO GOVT.  
HARYANA COOPERATION**

**....RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr.Hari Om Sharma, Advocate for the petitioner.

Ms. Sonia Sharma, Legal Aid Counsel for respondent No.5.

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**ANUPINDER SINGH GREWAL, J (ORAL)**

The petitioner-Society has challenged the order dated 30.09.2014 (Annexure P-8) passed by respondent No.1 whereby the revision petition preferred by respondent No.5, has been allowed.

Learned counsel for the petitioner submits that there were serious allegations against respondent No.5, which were enquired into and after following the procedure, his services had been terminated. He, therefore, submits that the impugned order (Annexure P-8) is unsustainable. He also submits that a sum of Rs.1,90,000/- loan amount is outstanding against respondent No.5.

Learned Legal Aid Counsel for respondent No.5 submits that respondent No.5 was not afforded adequate opportunity to defend himself in the enquiry and, therefore, the revision petition preferred by him against his termination had been rightly allowed.

Heard.

It is manifest from the perusal of the impugned order (Annexure P-8) that respondent No.5 had not been afforded adequate opportunity to defend himself. The documents which had been sought by respondent No.5 had not been provided to him. A copy of the show cause notice which was allegedly issued to respondent No.5 along with a copy of the enquiry report has also not been placed on record before the revisional authority. It is enjoined upon the disciplinary authority to afford adequate opportunity to respondent No.5 to defend himself. The documents which had been demanded by him ought to have been provided to him so as to enable him to effectively defend himself. The order of termination (Annexure P-6), therefore, had been passed in violation of the principles of natural justice.

Consequently, I do not find any infirmity in the impugned order (Annexure P-8) passed by the revisional authority and the petition stands dismissed.

However, the petitioner-Cooperative Society would be at liberty, if so advised, to conduct a fresh enquiry in accordance with law.

**(ANUPINDER SINGH GREWAL)**  
**JUDGE**

**November 15, 2022**  
**A.Kaundal**

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