

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-1767-2020

DECIDED ON: 20.09.2023

RAJ KUMAR BISHNOI

.....PETITIONER

VERSUS

HARYANA STATE FEDERATION OF CONSUMERS COOPERATIVE
WHOLESALE STORES LTD. AND OTHERS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Rahul Bansal, Advocate for
Mr. Amit Jaiwal, Advocate, for the petitioner.

Mr. Rajesh Gaur, Advocate, for the respondents.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Article 226 of the Constitution of India has been invoked for issuance of a writ in the nature of *Certiorari* for quashing of orders dated 22.12.2017 and 20.05.2019 (Annexures P-10 & 11 respectively) with further prayer for issuance of a writ in the nature of *Mandamus* to direct the respondents to release the entire retiral benefits including illegal deductions made as per Annexures P-10 and P-11 along-with interest @12%, to the petitioner.

2. It has been contended by learned counsel for the petitioner that the order dated 20.05.2019 (Annexure P-11) passed by the Appellate Authority is cryptic and unreasoned, as the finding recorded by the Appellate Authority is ditto as recorded by the Disciplinary Authority. He further submits that the impugned orders are based upon the *ex-parte* inquiry conducted by the Inquiry Officer.

3. Mr. Rajesh Gaur, learned counsel appearing on behalf of the respondents has not controverted the afore-said fact and has very fairly submitted

that it is a fit case for fresh consideration.

4. In the light of the candid and fair stand taken by learned counsel for the respondents, the impugned orders dated 22.12.2017 and 20.05.2019 (Annexures P-10 & 11) are, hereby, quashed.

5. Accordingly, the present petition is disposed of, with a direction to respondent No.2 to decide the disciplinary proceedings afresh prior to the date of passing of the order dated 22.12.2017 (Annexure P-10), after following due procedure for conducting the disciplinary proceedings as well as following the principle of natural justice.

6. Ordered accordingly.

(SANDEEP MOUDGIL)
JUDGE

20.09.2023
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No