

120.

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

CWP-2470-2023

Date of Decision: 07.02.2023

ARUN KUMAR RATHEE

.... Petitioner

Versus

THE REGISTRAR COOPERATIVE SOCIETIES HARYANA AND ORS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Surender Singh Dalal, Advocate,
for the petitioner.

JAISHREE THAKUR.J (Oral)

The petitioner herein has approached this Court for issuance of a writ or a direction to respondent No.2-Deputy Registrar, Cooperative Societies, Rohtak, not to proceed further under Section 27 of the Haryana Cooperative Societies Act, 1984 (for short, '1984 Act') pursuant to the matter having been remanded back to it.

In brief the facts that can be culled out are that the petitioner came to be employed by respondent No.3-Society on the post of Computer Operator-cum-Clerk vide resolution dated 29.02.2012. The petitioner herein continued to work till such time that there was a recommendation made to rescind the resolution as passed by the Society appointing him on the post of Computer Operator. The Deputy Registrar rescinded the resolution vide order dated 15.05.2018. Aggrieved against the said order, the petitioner herein approached the Registrar, Cooperative Societies, Haryana, by filing an

appeal under Section 114 of the 1984 Act, which appeal was allowed on the ground that the petitioner was not given any due opportunity of hearing and the pleas taken thereunder that a resolution could not be rescinded after six years by invoking Section 27 of the 1984 Act. Without taking note of the fact that the petitioner had not been given due opportunity of hearing and that there was failure of the principles of natural justice, the Registrar, vide order dated 13.09.2018, remanded the matter back to the Deputy Registrar, Cooperative Societies, Rohtak, for rehearing the matter after giving due opportunity to all the concerned parties. On remand, the matter was taken up by the Deputy Registrar, who permitted the petitioner herein to continue to work with the said Society on DC rates on ad hoc basis till such time as permanent appointment is not made so that the work of the Society is not obstructed. The matter is still pending adjudication before the said Authority. During the pendency of the proceedings before the Deputy Registrar, the Society itself vide resolution dated 29.08.2022 under the Chairmanship of Shri Jasbir Singh, Managing Committee, has decided to regularize the services of the petitioners along with several others.

The petitioner, by way of present writ petition, seeks stay of the proceedings pending before the Deputy Registrar on the ground that the resolution which had been rescinded and had offered initial appointment to the petitioner in the year 2012, would lose any effect considering the fact that in a recent meeting held by the Managing Committee, the services of the petitioner stand regularized.

I have heard learned counsel for the petitioner and find that the writ petition, at this stage, would not be maintainable. Admittedly, the

petitioner, who was appointed by a resolution passed in the year 2012, was sought to be removed by the Assistant Registrar on the ground that the resolution was not valid. That matter is still pending consideration before the Deputy Registrar. The plea that the services of the petitioner have since been regularized is a plea that ought to be taken up before the Deputy Registrar himself who would look into the issue whether the decision of the Assistant Registrar would still survive considering the fact that the petitioner's services stand regularized.

Petition stands disposed of accordingly.

Needless to say, in case any adverse order is passed, the same will be kept in abeyance for a period of two weeks to enable the petitioner herein to seek remedy in accordance with law.

(JAISHREE THAKUR)
JUDGE

07.02.2023

sanjeev

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No