

116.

2023:PHHC:072576

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

CWP-10782-2023

Date of Decision: 18.05.2023

Surender Singh @ Salender

.... Petitioner

Versus

Additional Chief Secretary, Cooperation Department, Government of
Haryana, Mini Secretariat, Sector 17, Chandigarh, and others.

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rajvir Singh Sihag, Advocate for the petitioner.

JAISHREE THAKUR.J (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing order dated 03.02.2023 Annexure P-5 as passed by respondent No.1 on an appeal preferred by Randhir Singh etc. though he would not have the jurisdiction to have entertained the appeal under Section 114(2)(b) of the Haryana Cooperative Societies Act thereby allowing persons illegally appointed to continue in service.

2. In brief, the facts, as stated, are that three persons, namely, Surender son of Hawa Singh, Clerk; Mandeep son of Shri Ishwar Singh, Salesman and Aman son of Shri Bhim Singh, Peon, were appointed by PACS-respondent No.5 in violation of the Service Rules. The resolution appointing them came to be challenged before respondent No.3-Deputy Registrar, Cooperative Societies, Karnal, by some of the members of the

Society. An application was preferred for rescinding the resolution under Section 27 of the Haryana Cooperative Societies Act, 1984 which was allowed by the Deputy Registrar, Cooperative Societies, Karnal. Vide his order dated 06.09.2021 holding that no legal proceedings had been adopted for appointments made, he rescinded the resolution dated 20.01.2021 passed by the Managing Committee appointing aforesaid three persons. Aggrieved against the said order, the matter was put up before the Additional Chief Secretary, Cooperation Department, Haryana, respondent No.1., who vide impugned order dated 03.02.2023 has transferred the appeal to the Registrar with a direction to decide the matter within a period of three months. Instead of preferring the appeal, the order rescinding the resolution was challenged by the same members of the Managing Committee.

3. Learned counsel appearing on behalf of the petitioner, who had initially sought to have the resolution rescinded, would argue that no orders could have been passed by the Additional Chief Secretary, Haryana regarding the said employees to work as he did not have the jurisdiction to do so.

4. At this stage, Mr. Anant Kataria, DAG, Haryana, who is present in Court, though not on notice, would point out that the appeal was entertained by the Additional Chief Secretary on the ground that there was a direction from the High Court for speedy disposal of the appeal.

5. I have heard learned counsel for the petitioner and took note of the grievances raised.

6. Admittedly, the resolution was rescinded by the Deputy Registrar and in terms of Section 114(2)(b) of the Haryana Cooperative Societies Act, an appeal could have been filed before the Registrar,

therefore, there is no infirmity in the order of the Additional Chief Secretary giving a direction to transfer the appeal to the Registrar to be heard within a period of three months. The petitioner herein has a remedy of approaching the Registrar and raising any grievance thereunder and take up all pleas as available including the plea of limitation. As no date has been fixed by the Registrar, the petitioner herein is directed to put in his appearance on 27.05.2023 and move appropriate application on which notice would be issued to the parties concerned. Since the issue whether certain employees can be allowed to work *de hors* a regular method of selection is in question, the Registrar is directed to dispose of the matter expeditiously preferably on or before 31.07.2023.

7. Writ petition stands disposed of accordingly.

(JAISHREE THAKUR)
JUDGE

18.05.2023

sanjeev

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