

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

247-CWP-14348-2022 (O&M)

Date of Decision: 04.08.2023

KRISHAN LAL AND OTHERS

... Petitioners

VS.

**REGISTRAR, COOPERATIVE SOCIETIES,
HARYANA AND OTHERS**

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Rajeev Sharma (Raju), Advocate for the petitioners

Ms. Dimple Jain, DAG Haryana

Mr. Kuldip Singh, Advocate for respondent No.5

Mr. Arvinder Arora, Advocate for respondent No.6

Sandeep Moudgil, J. (Oral)

The petitioners seek quashing of the impugned order dated 28.06.2022 (Annexure P4) passed by respondent No.2 and to direct the respondents not to dispense with the services of the petitioners who are working on different posts with the respondent-Society on DC rates and also not to replace them by other contractual employees as no regular selections have been made and the posts on which the petitioners are working are still existing.

Replication filed by the petitioners to the written statement of respondent No.5 is taken on record. Copy supplied to counsel opposite.

At this stage, preliminary objection has been raised by all the respondents that the instant writ petition is not maintainable in the light of the fact that the impugned order is in fact against rescinding of resolution passed by respondent No.1-Registrar, Coop.Societies, against which the statutory

appeal is available under Section 114 of the Haryana Cooperative Societies Act, 1984.

This proposition is not disputed by counsel for the petitioners, who prays for withdrawal of the writ petition to enable the petitioners to avail the alternative remedy as specified above.

Ordered accordingly.

At this stage, counsel for the petitioners submits that now the question of delay would be a predicament for the petitioners to pursue the appeal. In that eventuality, the appellate authority, before whom the appeal is to be preferred, in case the appeal(s) is preferred by the petitioner(s) within a period of 2 weeks, he may consider the application under Section 5 of the Limitation Act for condonation of delay, sympathetically.

Disposed of in above terms.

04.08.2023

V.Vishal

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Sandeep Moudgil)
Judge

Yes/No
Yes/No