

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CWP-13262-2023 (O&M)
Date of Decision:-04.07.2023

Harmesh Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rohit Singla, Advocate for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks cancellation of membership of respondent No.6 as Member of Board of Directors of Central Co-operative Bank, Sirsa.
2. It is the case of the petitioner that the Chief Executive Officer/General Manager of the Central Co-operative Bank, Sirsa had extended a benefit of Rs.29,72,872/- to certain employees of the Bank in a wrongful manner purportedly on the basis of a Scheme which was infact not applicable to the employees of the Bank. It is the case of the petitioner that the said instructions were applicable only to the Central and State Government employees and were not applicable to the employees of Central Co-operative Banks. It is further the case of the petitioner that the Chief Executive Officer was himself a member of Board of Directors and the Board of Directors by way of a resolution condoned the principal amount of the excess payment and also ordered for release of the FDRs of the employees which had earlier been kept as security at the time of release of the excess payment.

3. The matter was brought to the notice of Lokayukta, Haryana and consequently an inquiry was ordered into the matter. The Managing Director of Haryana State Cooperative Agriculture & Rural Development Bank was appointed as Inquiry Officer and who returned a finding to the effect that the decision of the Board of Directors to the effect that no amount was to be recovered from the employees who had earlier been extended the monetary benefits was a wrong decision and that the then General Manager of the Bank along with the Board of Directors were responsible for causing loss to the Bank to the tune of about Rs.30 lakhs.
4. Learned counsel for the petitioner submits that respondent No.6 was a member of Board of Directors and when he again contested for election as a Member of the Board of Directors, he furnished incorrect information to the effect that no inquiry was pending against him and consequently came to be elected on the basis of such false declaration. Learned counsel submitted that under these circumstances respondent No.6 has no right to continue as a Member of the Board of Directors and that his membership deserves to be cancelled.
5. It has further been submitted that although the petitioner submitted a complaint on the CM Portal i.e. CM Grievances Redressal System which was duly received on 8.2.2023 (Annexure P-8) but to no avail.
6. Pursuant to service of advance notice to State of Haryana, Mr. Sharad Aggarwal, DAG, Haryana, has put in appearance.
7. Having heard the learned counsel for the petitioner and also the State counsel, but without expressing anything as regards the veracity of the averments made in the petition or as regards the merits of the case, the

instant petition is disposed of with a direction to respondent No.2-The Registrar, Co-operative Societies, Haryana Sahkarita Bhawan, to get the representation dated 08.02.2023 (Annexure P-8) examined expeditiously in accordance with law and to pass appropriate order.

8. A copy of this order along with copy of representation dated 08.02.2023 (Annexure P-8) be sent to respondent No.2-The Registrar, Co-operative Societies, Haryana Sahkarita Bhawan, for necessary compliance.

04.07.2023

mohan

(GURVINDER SINGH GILL)
JUDGE

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