

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

CWP-18976-2018

Date of decision : 30.01.2023

BHOPAL SINGH AND ORS.

.....Petitioners

VERSUS

REGISTRAR, COOPERATIVE SOCIETIES HARYANA AND ORS.

....Respondents

CORAM:- HON'BLE MR. JUSTICE JAISHREE THAKUR

Present: Mr. S.S. Dalal, Advocate
for the petitioners.

Mr. Amit Bansal, DAG, Haryana.

Mr. Kuldip Singh, Advocate
for respondent No.4.

JAISHREE THAKUR, J. (ORAL)

The instant writ petition has been filed seeking to challenge order dated 20.07.2018 (Annexure P-2), passed by the Assistant Registrar, Cooperative Societies, Ambala – respondent No.3 during pendency of Appeal No.50 of 2016 filed by Bhopal Singh and others against order dated 05.07.2016 of the Deputy Registrar, Cooperative Societies, Kurukshetra, pending before the Registrar, Cooperative Societies, Haryana, Chandigarh.

In brief, the facts that can be culled out from the pleadings are that the petitioners were appointed as Clerks/Peons by respondent No.4 - Society. However, vide order dated 05.07.2016, the Deputy Registrar upon considering a reference of Assistant Registrar held that the appointments as

made were violative of the provisions of Rule 3 of the Primary Cooperative Marketing-cum-Processing Societies Limited Staff Service Rules 2003 which read as under:

“Power to make appointment shall vest with the Board of Directors/Board of Administrator of the Society. Further provided that decision for appointment to various categories of service shall be taken in the meeting in which the presence and concurrence of concerned Assistant Registrar, Inspector Cooperative Societies and District Manager Haffed shall be compulsory. Any addition, alteration or amendment to the service rules will be subject to prior approval of Registrar Cooperative Societies Haryana”.

During the pendency of the appeal before the Registrar Cooperative Societies Haryana against the said order, the impugned order dated 20.07.2018 (Annexure P-2) came to be passed asking the Society as to what was the status of employees working with the Society after the decision had been taken by the Deputy Registrar.

Learned counsel appearing on behalf of the petitioners would contend that once an appeal had already been filed challenging the order of the Deputy Registrar, the Assistant Registrar could not have proceeded further in the matter asking for an explanation regarding the status of the employees. Counsel would submit that the Assistant Registrar had no occasion to pass the said order, considering the fact that the services of the petitioners already stand regularized.

Learned counsel appearing on behalf of the respondent No.4 – Society would submit that the matter is already pending in appeal before the Registrar and therefore, would have no objection in case a direction is issued

for the appeal to be decided expeditiously.

I have heard learned counsel for the parties and perused the pleadings of the case as well as the impugned order.

Considering the fact that challenge to order dated 05.07.2016, is already pending before the Registrar, even though there is no stay of the order so impugned, this Court would deem it appropriate to set aside the order dated 20.07.2018 (Annexure P-2). Ordered accordingly.

Let the appeal be decided by the Registrar expeditiously, preferably within a period of six weeks on receipt of certified copy of this order after giving appropriate opportunity of hearing to the parties concerned.

The writ petition is disposed of accordingly.

(JAISHREE THAKUR)
JUDGE

30.01.2023

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