

108 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-19557-2023 (O&M)
Date of decision: 03.11.2023

Rajveer KaurPetitioner
V/s
State of Punjab and others ...Respondents

CORAM: HON’BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Ajay Pal Singh Gill, Advocate and
Mr. Ripudaman S. Brar, Advocate
for the petitioner.

DEEPAK MANCHANDA J.

The instant petition has been filed under Article 226/227 of the Constitution of India for issuance of writ in the nature of mandamus for directing the respondent No.3 to join the petitioner on post of ‘Salesperson’ with the Ghumiara Multipurpose Co-operative Sabha Limited, Ghumiara District Faridkot i.e. respondent No.4 and further prayer for issuance of writ in the nature of certiorari for directing the respondent No.3 to withdraw/quash the order dated 26.07.2023 (Annexure P-7) vide which the resolution dated 27.06.2023 (Annexure P-4) passed by the Sub-Committee of the Society was rejected.

2. Brief facts emanated from the present case are that vide memo dated 01.10.2021 one post of Salesman was approved by the Additional Registrar Revenue. Subsequently, a meeting was conducted by the respondent No.4 in which the Committee resolved that advertisement be given for filling up a post of Salesman and Munadi be done as well. Further, a sub-committee was also formed in which Gurpreet Singh President, Sukhbir Singh Vice President, Bikker Singh Senior Vice President and a Government representative were also there and the criteria for selection was finalized in the said meeting. An advertisement (Annexure P-3) was given regarding interview of a

vacant post of "Salesman" in the Ghumiara Multipurpose Co-operative Sabha Limited, Ghumiara and the date of interview was fixed as 27.06.2023 at 11:00 AM. The petitioner along with 10 other applicants came present and appeared before the Selection Committee on 27.06.2023. The candidates were interviewed in the presence of President, Vice President, Honorary Secretary and a Government representative and all their documents and certificates were evaluated and a merit list was prepared.

3. The petitioner topped the merit list and was duly selected by the Selection Committee, therefore, recommendation was made to appoint her on the vacant position of Salesperson. However, vide order dated 28/29.06.2023 (Annexure P-5) respondent No.3 stayed the appointment of the petitioner on the basis of a complaint being received in his office against the petitioner containing allegations that her appointment has been made in collusion with the Managing Committee and Inspector, which is pending in his office. The petitioner sent a legal notice (Annexure P-6) on 10.07.2023 against the order passed by respondent No.3. Thereafter, respondent no.3 passed an order dated 26.07.2023 (Annexure P-7) in which the resolution dated 27.06.2023 passed by the Sub-Committee of the Society was rejected and the Managing Committee of the Society was directed that the candidates as per the applications received on 26.06.2023 be called again in the Society and after convening a meeting, by preparation of proper merit on these applications in accordance with rules/instruction and on the basis of merit, appointment for the post of Salesman be made with the Ghumiara Multipurpose Cooperative Sabha Limited, Faridkot.

4. Learned counsel for the petitioner contends that the decision of the respondents in rejecting the Resolution dated 27.06.2023 (Annexure P-2) passed by the Committee vide which the petitioner has been selected for the post of Salesperson after following the criteria for selection is illegal and arbitrary.

5. Heard learned counsel for the petitioner and perused the case file.

6. Through this writ petition the petitioner has prayed for withdrawing/quashing of order dated 26.07.2023 (Annexure P-7) vide which the

appointment of the petitioner as Salesperson has been rejected and it has been ordered that a fresh merit list be prepared after following rules/instructions and the post of Salesman be filled in from amongst the applicants as on 26.06.2023.

7. A bare perusal of the order dated 26.07.2023 (Annexure P-7) would show that while rejecting the resolution dated 27.06.2023 (Annexure P-2) investigation was done by respondent No.3-Sub-Registrar, Co-operative Societies, Faridkot, which transpired that on the one hand the petitioner had shown to have undergone diploma in computer application w.e.f. 06.10.2020 to 05.04.2021 whereas on the other hand she had produced an experience certificate pertaining to two years prior to 15.08.2021, which was not possible. It has further revealed that the experience certificate produced by the petitioner was shown to be issued from Chandbaza Society, whereas, no such presence of the petitioner was found marked in the said society nor its Managing Committee had passed any resolution to this effect and the experience certificate produced by the petitioner was found to be forged. It has further held that no agenda for the meetings held by the Managing Committee regarding the aforesaid recruitment was issued which was clear violation of Rule 80(i) of the Punjab Co-operative Societies Rules, 1963. Considering the aforesaid aspects, it was held by respondent No.3 that the Society moulded the rules while giving benefit to the petitioner to be appointed as Salesperson and has misused its power and did not follow the Rule 80(i) of the Punjab Co-operative Societies Rules, 1963. Therefore, it rejected the resolution dated 26.06.2023 passed by the Society and ordered preparation of fresh merit list.

8. In view of the above, this Court does not find any merit in the present writ petition and the same is dismissed.

9. All pending application(s), if any, stand disposed of.

03.11.2023
nisha-II/sapna

(DEEPAK MANCHANDA)
JUDGE