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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-3995-2019
Date of decision: 11.03.2024

RAMESHWAR DASS

...Petitioner

VERSUS

HARYANA STATE FEDERATION OF CONSUMERS COOPERATIVE
WHOLESALE STORES LIMITED(CONFED) AND ORS.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Dinesh Kumar, Advocate
for the petitioner.

Mr. Vivek Saini, Advocate
for the respondents.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the impugned proceedings of the Board of Administrators (Appellate Authority) held on 04.06.2018 (Annexure P-15) and 13.07.2018 (Annexure P-16) and the consequential order passed in compliance of order dated 12.03.2018 passed by this Court in CWP-26700-2014 on 19.07.2018 (Annexure P-17) and further to direct the respondent-CONFED to reinstate the petitioner in service and to treat him as in service for all intents and purposes till the date of attaining the age of superannuation i.e. 30.06.2014 and grant him all the consequential benefits along with interest @ 12% per annum and refund the petitioner an amount of Rs.1,51,166/-.

2. Learned counsel for the petitioner submitted that it is a case where the petitioner was inflicted with a punishment vide order dated 02.05.2008 (Annexure P-5) by the Managing Director of the respondent-CONFED. He further submitted that against the aforesaid order, the petitioner preferred an appeal, which was dismissed vide order dated 03.11.2008 and in fact the aforesaid order dismissing the appeal of the petitioner was set aside by a Coordinate Bench of this Court on 12.03.2018 with a direction to decide afresh. He further submitted that thereafter, fresh proceedings were carried on vide Annexure P-15 and Annexure P-16, which were presided over by the Managing Director of the respondent-CONFED himself while sitting as an appellate authority and thereafter, the impugned order Annexure P-17, which is purportedly passed by the Board of Administrators which was also presided over by the Managing Director. He also submitted that the order of the appellate authority being presided over by the Managing Director, who himself was the punishing authority would therefore violate the principles of natural justice i.e. *doctrine of bias* and the Managing Director could not have presided over the meeting of the Board of Administrators once he himself was the punishing authority.

3. On the other hand, learned counsel for the respondents submitted that so far as the aforesaid factual position is concerned, the same is correct. He further submitted that since at that point of time, there was no Chairman available and the Managing Director was the only person who could have presided over therefore, he presided over the aforesaid meeting of the Board of Administrators to comply with the order passed by a Coordinate Bench of this Court, wherein it was so directed to pass a fresh order in accordance with law in

a time bound manner. He also submitted that he has no objection in case the aforesaid impugned order Annexure P-17 is set aside and the matter is remanded back to the appellate authority to take a fresh decision in accordance with law and by adhering to the principles of natural justice.

4. After hearing learned counsel for the parties and considering the respective submissions made by the learned counsel for the parties, the present writ petition is partly allowed and is disposed of. The impugned order dated 19.07.2018 (Annexure P-17) is hereby set aside. The appeal/supplementary appeal of the petitioner is remanded back to the appellate authority to take a fresh decision strictly in accordance with law and by adhering to the principles of natural justice. The appellate authority shall decide the appeal/supplementary appeal of the petitioner as expeditiously as possible. For the sake of repetition, it is also directed that the petitioner shall be adequately heard either in person or through his counsel.

11.03.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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