

CWP-9926 of 2000

2024:PHF-C:15/195



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

CWP-9926 of 2000 (O&M)
Date of decision: 26.11.2024

Gian Chand

.....Petitioner

Versus

The Special Secretary (Co-operation) Co-operation Department, Punjab
and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. R.K. Sharma, Advocate,
for the petitioner.

Mr. Surya Kumar, AAG, Punjab.

Mr. Avikaran Bansal, Advocate,
for respondent No.4.

NAMIT KUMAR, J.

1. This writ petition has been filed under Articles 226 and 227 of the Constitution of India for quashing the order dated 15.02.2000, passed by respondent No.1, as well as the order dated 02.05.1994, passed by respondent No.2, and the award dated 24.07.1990, passed by respondent No.3 being illegal, arbitrary and without jurisdiction.

2. On 05.09.2024, following order was passed by this Court:-

“Learned counsel for the petitioner submits that on the same charges, disciplinary proceedings were initiated against the petitioner which were culminated into passing of punishment order of stoppage of two annual increments with cumulative effect alongwith recovery. Thereafter, the

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arbitration proceedings were initiated for recovering the amount, which is the present lis in the present petition. He further submits that the punishment order was set aside by the revisional authority and the said order of the revisional authority was challenged by respondent No.4-MARKFED in CWP No.5822 of 1998 titled as 'The Punjab State Coop. Supply & Marketing Federation Ltd. Vs. Gian Chand and another' and during the pendency of the said writ petition, the punishment order was withdrawn by the MARKFED vide order dated 23.02.2000 and in view of the said order, the abovesaid writ petition was disposed of as having become infructuous, vide order dated 18.11.2019.

Learned counsel for respondent No.4 seeks an adjournment to get instructions from the MARKFED as to whether they still wish to pursue the present writ petition in view of the subsequent events which have been noticed above.

Adjourned to 01.10.2024."

3. Learned counsel for respondent No.4, on instructions from respondent No.4, does not seriously dispute the contention raised by learned counsel for the petitioner as has been recorded in the order dated 05.09.2024.

4. Since the arbitration proceedings and the disciplinary proceedings are in relation to same charge and the punishment order has been withdrawn by respondent No.4-MARKFED, vide order dated 23.02.2000, therefore, the present petition is allowed and order dated 15.02.2000 (Annexure P-9) passed by respondent No.1; order dated 02.05.1994 (Annexure P-8) passed by respondent No.2 and the award

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dated 24.07.1990 (Annexure P-6), passed by respondent No.3, are hereby set aside.

5. Pending application(s), if any, also stand(s) disposed of.

26.11.2024
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No