

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:069535-DB



(101)

LPA-1226-2024 (O&M)
Decided on :17.05.2024

THE HANSI COOPRATIVE MARKETING-CUM-PROCESSING SO-
CIETY LTD. ANAJ MANDI, HANSI

.....Appellant(s)

Versus

KHUSHI AND OTHERS

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS.JUSTICELAPITA BANERJI

Present:- Mr. Ajay Chaudhary, Advocate for the appellant (s).

Mr. Deepak Balyan, Addl. AG, Haryana.

G.S. Sandhawalia, Acting Chief Justice (Oral)

CM-2942-LPA-2024

Application for condonation of delay of 25 days in filing the appeal, is allowed, in view of the averments made in the application, duly supported by affidavit. Delay of 25 days in filing the appeal is condoned.

CM stands disposed of.

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1. Consideration in the present letters patent appeal is sought of the judgment of the learned Single Judge dated 28.07.2023 passed in CWP No.11630 of 2016 'Khushi Vs. State of Haryana and others', whereby the writ petition was allowed and directions were issued to pay ex-gratia



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compensation of Rs.5 lakhs, in view of the Resolution dated 12.06.2006 (Annexure P-4). The same was to be paid to the writ petitioner within a period of one month from the date of receipt of certified copy of the order alongwith interest @ 6% per annum from the date it became due till its actual realization.

2. Counsel for the appellant-Society has vehemently submitted that the said directions have been issued, in spite of the fact that Staff Service Rules of the Primary Marketing-cum-Processing Cooperative Societies Ltd., 2003 only provided the payment of Rs.2.50 lakhs and the amendment was made only on 17.10.2014. It is, thus, submitted that since the death had taken place on 24.05.2006, the amendment having taken place on 17.10.2014, there were valid reasons as such to reject the case, as had been done by the Registrar of the Cooperative Societies on 22.01.2016 (Annexure P-8), which was subject matter of challenge before the learned Single Judge and now taken into consideration.

3. A perusal of the impugned order would go on to show that the learned Single Judge had placed reliance upon the resolution itself of the appellant-Society passed on 12.06.2006 (Annexure P-4), whereby earlier for two employees vide resolution dated 17.02.2005 ex-gratia of Rs.5 lakhs had been recommended. Thus, permission had to be granted by the Registrar of the Cooperative Societies in the case of the writ petitioner and compensation was, thus, to be paid. Apparently, the Registrar slept over the said resolution. The writ petitioner was forced to file CWP No.21262 of 2015, in which directions were passed by a Single Judge of this Court take a decision on the representation. In such circumstances, the impugned order came to be passed.

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4. The purpose of granting the ex-gratia was, thus, frustrated by the inaction of the State Authorities, who were bound to pass an order in favour of the beneficiaries or deny or cancel the resolution, but needful was not done. The order of the learned Single Judge is based on the issue of parity by the Society, which had granted the said relief on an earlier occasion to two employees. Thus, we do not find any plausible reason for the Society to take a different view in the case of the writ petitioner and oppose the directions of the learned Single Judge in the facts and circumstances. The interest element also which has been levied upon the appellant-Society is only on account of the fact the writ petitioner has been deprived of the benefits. It is not disputed that the writ petitioner had lost not only her father but also deprived of company of her mother, whom she had also lost and, thus, was an orphan.

5. Resultantly, there is no merit in the present letters patent appeal and same is hereby dismissed in *limine*. All pending civil miscellaneous application(s), if any, also stand disposed of.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

17.05.2024
Naveen

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