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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-19878-2017
Date of decision: 12.02.2024

THE KARNAL CENTRAL COOPERATIVE BANK LTD. KARNAL
...Petitioner

VERSUS

STATE OF HARYANA AND ORS.
...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Mohit Garg, Advocate
for the petitioner.

Mr. Gaurav Jindal, Addl. A.G., Haryana.

Mr. Anurag Jain, Advocate
for respondent No.4.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of an appropriate writ, order or direction especially in the nature of *certiorari* for quashing the impugned order dated 30.12.2013 (Annexure P-6) passed by the Deputy Registrar (Enforcement), Cooperative Societies, Haryana, Panchkula, whereby respondent No.4 has been granted complete retiral benefits including ex-gratia etc. ignoring the valid deductions relating to dues pending towards the husband of respondent No.4, who had died during service and ordered for the payment of the dues alongwith interest @ 10% alongwith salary of June and August, 2003 and the impugned order dated 28.12.2016 (Annexure P-8) passed by the

Additional Chief Secretary to Government of Haryana, Cooperation Department, Chandigarh, whereby the order dated 30.12.2013 passed by the Deputy Registrar (Enforcement), Cooperative Societies, Haryana, Panchkula, was upheld and revision petition was dismissed.

2. Mr. Mohit Garg, Advocate has put in appearance on behalf of the petitioner-Bank and has filed his power of attorney in Court today and the same is taken on record.

3. The brief facts of the present case as so narrated by the learned counsel for the parties are that the husband of respondent No.4, namely, Randhir Singh was appointed as Secretary in the petitioner-Bank on 23.07.1976 and thereafter, he was promoted as Clerk on 11.12.1989. However, unfortunately he died while in service on 12.09.2003. Thereafter, respondent No.4, namely, Murti Devi, who is a widow of aforesaid Randhir Singh moved a representation to the petitioner-Bank dated 29.09.2003 for release of the retiral benefits of his deceased husband. Thereafter, on 11.11.2003, the son of respondent No.4 got compassionate appointment. Respondent No.4 being a widow of the aforesaid deceased was entitled to retiral benefits and also for ex-gratia payment, the same were not paid to respondent No.4. However, in the year 2005, a report dated 07.02.2005 was made by one Audit Department of the petitioner-Bank, whereby an objection was raised and it was so pointed out that the husband of respondent No.4 had allegedly embezzled an amount of Rs.2,58,861/- during the time when he was in service. However, there was neither any notice nor any disciplinary proceeding nor any charge-sheet against the husband of respondent No.4 particularly in view of the fact that the report of the Audit Department had come after the death of husband of respondent No.4.

Now the husband of respondent No.4 had already died and no disciplinary proceeding or any kind of other action could have been taken against the deceased person and therefore, the petitioner-Bank rather in its decision taken by the Board of Directors on 29.09.2005 (Annexure R-1) decided to adjust the aforesaid amount from the retiral benefits of the husband of respondent No.4. Against the aforesaid decision of the Board of Directors of the petitioner-Bank, respondent No.4 filed an appeal before the Registrar, Cooperative Societies, Haryana, Panchkula, which was allowed on 12.07.2007 vide Annexure P-4. Thereafter, the petitioner-Bank preferred a revision petition before the Financial Commissioner and Principal Secretary to Government of Haryana, Cooperative Department, Chandigarh and the matter was remanded back to the Registrar, Cooperative Societies, Haryana, Panchkula to decide the appeal afresh on merits after hearing both the parties. Thereafter, the appeal was kept pending before the Registrar, Cooperative Societies, Haryana, Panchkula and the same was dismissed in default on 02.12.2010 and was later on restored on 24.02.2011. However, on the request of respondent No.4, the said appeal was dismissed as withdrawn on 28.04.2011 with liberty to file afresh. Thereafter, respondent No.4 again filed an appeal before the Deputy Registrar (Enforcement) Cooperative Societies, Haryana, Panchkula and the said appeal was allowed vide Annexure P-6 on 30.12.2013 and the Deputy Registrar (Enforcement) Cooperative Societies, Haryana, Panchkula directed the petitioner-Bank to pay retiral benefits to respondent No.4, who is the widow of Randhir Singh. Aggrieved against the aforesaid order dated 30.12.2013, the petitioner-Bank again filed a revision petition before the Additional Chief Secretary, Government of Haryana, Cooperation Department, Chandigarh and

the same was dismissed vide Annexure P-8 on 28.12.2016 and the order dated 30.12.2013 passed by the Deputy Registrar (Enforcement), Cooperative Societies, Haryana, Panchkula was upheld. Both the aforesaid orders i.e. order dated 30.12.2013 (Annexure P-6) and order dated 28.12.2016 (Annexure P-8) are under challenge before this Court.

4. Learned counsel for the petitioner-Bank submitted that once an audit report objected and has arrived at a conclusion that the husband of respondent No.4 had embezzled an amount of Rs.2,58,861/- while he was in service, then the petitioner-Bank was well within its rights to have adjusted the same towards the retiral benefits of the husband of respondent No.4 even after his death.

5. Mr. Gaurav Jindal, Addl. A.G., Haryana submitted that the order which has been passed by the Deputy Registrar (Enforcement), Cooperative Societies, Haryana, Panchkula and the Additional Chief Secretary, Government of Haryana, Cooperation Department, Chandigarh are quasi judicial orders.

6. Mr. Anurag Jain, learned counsel for respondent No.4 submitted that respondent No.4 is the widow of aforesaid Randhir Singh and while Randhir Singh was in service, there was no action including any action of issuance of show cause notice/disciplinary proceeding or charge-sheet against him and he died on 12.09.2003 and it was after about 1½ years that suddenly one report of the Audit Department came out, wherein some objections were raised with an allegation that husband of respondent No.4 while in service had embezzled an amount of Rs.2,58,861/-. He further submitted that after the death of husband of respondent No.4, no such recovery could have been effected from the widow, who is respondent No.4 particularly in view of the fact that there

was neither any inquiry held nor any charge-sheet etc. issued against the husband of respondent No.4. He also submitted that even otherwise also, after the death of the husband of respondent No.4 in the year 2005, no recovery could have been effected qua a deceased person, which is now sought to be effected from respondent No.4. He further submitted that in this way, the entire issue was dealt with by the Deputy Registrar (Enforcement), Cooperative Societies, Haryana, Panchkula as well as by the Additional Chief Secretary, Government of Haryana, Cooperation Department, Chandigarh, who also opined and decided in favour of respondent No.4 and therefore, there is no perversity or illegality in the aforesaid orders i.e. Annexure P-6 and Annexure P-8, which have been impugned in the present writ petition.

7. After hearing learned counsel for the parties, this Court is of the view that it is a case where at the time when the husband of respondent No.4 was in service, there was no disciplinary action or any kind of disciplinary proceedings initiated against the husband of respondent No.4 and after about 1½ years of his death, one audit objection was raised pertaining to the husband of respondent No.4. On the basis of aforesaid audit report, no such objection could have been taken against a deceased person particularly in view of the fact that respondent No.4 is a widow and she was entitled to the aforesaid retiral benefits. The aforesaid decisions which were taken by both the authorities below i.e. the Deputy Registrar (Enforcement), Cooperative Societies, Haryana, Panchkula and the Additional Chief Secretary, Government of Haryana, Cooperation Department, Chandigarh, are perfectly in accordance with law and no fault can be found in the aforesaid decisions taken by them.

8. Therefore, this Court does not deem it fit and proper to interfere in the findings arrived at by the Deputy Registrar (Enforcement), Cooperative Societies, Haryana, Panchkula and the Additional Chief Secretary, Government of Haryana, Cooperation Department, Chandigarh vide Annexure P-6 and Annexure P-8, respectively.

9. Consequently, finding no merit in the present writ petition, the same is hereby dismissed.

12.02.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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