



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

116

CWP-22050-2024**Date of decision : 23.09.2024**

Sukhwinder Singh

....Petitioner

V/S

Additional Registrar, Cooperative Societies, Punjab,
Chandigarh and others

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. D.S. Gandhi, Advocate for the petitioner.

Mr. Surya Kumar, A.A.G., Punjab.

NAMIT KUMAR, J. (ORAL)

1. Prayer in this writ petition filed by the petitioner under Article 226 of the Constitution of India, is for issuance of a writ in the nature of certiorari, quashing the order dated 11.07.2024, (Annexure P-29) passed by Additional Registrar (1), Cooperative Societies, Punjab, Chandigarh, whereby the revision petition filed by the petitioner has been dismissed on the ground that the same is barred by limitation; order dated 31.07.2018 (Annexure P-21), passed by the Appellate Authority against the punishment order No.PSF/JSS/2018/1263 dated 26.04.2018 (Annexure P-19), passed by respondent No.2, whereby the petitioner was penalized of 'withholding of four increments with cumulative effect' was dismissed and for quashing the order dated 26.04.2018 (Annexure P-19), vide which the penalty of withholding of four annual increments with cumulative effect was imposed upon the

**CWP-22050-2024****2**

petitioner. Another prayer has been made to stay the operation of impugned orders dated 11.07.2024 (Annexure P-29), 31.07.2018 (Annexure P-21) and 26.04.2018 (Annexure P-19), during the pendency of the writ petition.

2. Learned counsel for the petitioner submits that the petitioner was awarded the punishment of stoppage of four annual increments with cumulative effect, vide order dated 26.04.2018, against which he preferred an appeal dated 28.05.2018 (Annexure P-20), which was rejected by the Appellate Authority i.e. Chairman, Sugarfed vide order dated 31.07.2018 (Annexure P-21) against which the petitioner again preferred an appeal dated 31.08.2018 (Annexure P-22). He further submits that actually the same should have been mentioned as a revision petition instead of appeal and vide letter dated 15.02.2024 (Annexure P-27), the petitioner was directed to file a comprehensive revision petition, which was filed on 20.03.2024 (Annexure P-28) and the same has now been rejected on the ground of limitation. He also submits that petitioner has retired from service on 30.06.2023.

3. Per Contra, learned State Counsel, who has appeared on the strength of advance copy of the petition having been served upon him, has contested on merits who has fervently and vehemently opposed the relief sought in the petition and submits that it was the duty of the petitioner to follow up his application submitted before the appellate authority (infact revisional authority). He further submits that there is delay of about five years four months in filing of the revision petition,

**CWP-22050-2024****3**

whereas the same was required to be filed within 60 days as per Sugarfed Service Rules/Bye-Laws.

4. I have heard learned counsel for the parties and perused the record.

5. The short question involved in the present petition to be adjudicated upon by this Court is as to whether the petitioner is entitled to avail the remedy of revision as legal right and its decision on merits in the peculiar facts and circumstances of the case?

6. Concededly, a penalty of withholding of four increments with cumulative effect was imposed upon the petitioner, vide order dated 26.04.2018, passed by Managing Director, Sugarfed-Respondent No.4. Aggrieved by, petitioner preferred an appeal dated 28.05.2018 which was rejected by Administrative Committee (Appeals) of Board of Directors of Sugarfed, Punjab, vide orders dated 31.07.2018. Thereafter, petitioner submitted further appeal dated 31.08.2018 (in a period of one month from the date of order passed by Appellate Authority-Respondent No.3 i.e. in a stipulated period) addressing the same to Appellate Authority, Office of Registrar, Co-operative Societies, Punjab, under Annexure VI of Clause 4(a) of Common Cadre Rules of Sugarfed, Punjab. The petitioner submitted follow up reminders dated 08.10.2018 and 12.11.2018 for its decision on merits. Subsequently, vide memo dated 19.12.2018, the petitioner was informed by the office of Registrar, Cooperative Societies, that matter has been referred to respondent No.4- Managing Director, for its final decision. Thereafter, petitioner submitted representation to the Revisional Authority (wrongly

**CWP-22050-2024****4**

mentioned as Appellate Authority) on 29.12.2023 requesting them to take appropriate decision on the pending case of the petitioner. In response thereto, the petitioner was informed by the Registrar, Cooperative Society, that petitioner should approach the office of Respondent No.1 by filing the revision petition, vide letter dated 15.02.2024 (Annexure P-27) and the relevant portion thereof is reproduced as under :-.

“xx xx xx In this connection, comments were obtained from Sugarfed and vide their letter No.PSF/JSS/2018/3414 dated 22.11.2018, they informed that, "A revision petition should have been filed by Sh. Sukhwinder Singh, Mfg. Chemist, Fazilka CSM before the RCS, Punjab against the punishment order passed by the M.D. Sugarfed and upheld by the Administrative Committee of Sugarfed BODs whereas Sukhwinder Singh has filed a simple representation". In connection with this, on dated 05.02.2024 you had filed application in the office that your application may be dealt as Revision Petition. After this, this case was sent by the Hon'ble Registrar, Cooperative Societies on dated 05.02.2024 to the Hon'ble Additional Registrar(I) for consideration. Vide his report dated 09.02.2024, it was instructed that after completion of process of filing of Court case from the applicant, this case may be sent again in which case, proper format, court fee, section of the Act and names of respondents may be included. In compliance with the above orders, you are hereby informed vide this letter that revision petition may be filed in a proper manner so that hearing in this case may take place by the Senior Officers as per law. xx xx xx”

7. Accordingly the petitioner immediately filed the revision petition before the Registrar, Cooperative Societies, Punjab and the same has been dismissed vide impugned order 11.07.2024 on the ground of limitation.

8. From the perusal of the records, it can be seen that



CWP-22050-2024

5

petitioner was espousing his cause in person and had filed the Revision (wrongly written as application/appeal) under rules i.e. Sugarfed Service Rules/Bye-Laws (Common Cadre Service Rules of Annexure VI of Clause 4(a) to the appropriate authority i.e. Registrar, Cooperative Societies, Punjab, as required within a stipulated period. But he had committed mistake by addressing the prescribed authority as "Appellate Authority" instead of "Revisional Authority". Petitioner has retired from service on 30.06.2023. On the face of the records, the Revision (wrongly mentioned as application/appeal) filed by the petitioner, which is in dispute, was lying with the office of Registrar, Cooperative Societies for a long period of five years and four months whereas they were required to inform the fate of the same timely to the petitioner which they have failed to do so.

9. In wake of the above, impugned order dated 11.07.2024 (Annexure P-29) passed by the Revisional Authority-Respondent No.1 is quashed and set aside and the case is remanded back to the Revisional Authority to decide the revision petition dated 24.03.2024 filed by the petitioner on its merits in view of the observations made hereinabove and pass necessary orders, in accordance with law, within a period of three months from the date of receipt of certified copy of this order.

10. Disposed of in the above terms.

23.09.2024

kothiyal

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No