



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

229

CWP-35668-2019(O&M)

Date of Decision:12.08.2024

Polu Ram

.....Petitioner

Versus

The Assistant Registrar, Cooperative Societies, Kurukshetra and others

.....Respondents

CORAM:HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Kulbir Dalal, Advocate with
Mr. Dhruv Sharma, Advocate for the petitioner.

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

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ, order or direction for quashing the impugned order dated 26.11.2019 (Annexure P-6) passed by respondent No.1.

2. Learned counsel for the petitioner submitted that the short point involved in the present case is that on the basis of the complaint made by private respondent namely Sh. Maya Ram against the petitioner, the matter was enquired into by respondent No.1-Assistant Registrar, Cooperative Societies, Kurukshetra and a warning was issued to the petitioner in this regard on 31.10.2019 vide Annexure P-4. However, later on vide impugned order (Annexure P-6), a notice was issued by respondent No.2-Inspector, Cooperative Societies, Kurukshetra, pertaining to the same cause of action and



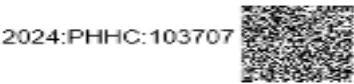
again an enquiry has been initiated which has been stayed in pursuance of the order passed by this Court on 09.12.2019. Learned counsel for the petitioner further submitted that once on the basis of the complaint made by private respondent, an enquiry was initiated and the petitioner was issued a warning thereupon the same cause of action, the same could not be issued again and as such has prayed for quashing of order dated 26.11.2019 (Annexure P-6).

3. On the other hand, Mr.Gaurav Jindal, Addl. A.G. Haryana, appearing on behalf of respondent-State while referring to the reply filed by the respondent-State, submitted that the earlier order (Annexure P-4) was passed by the Assistant Registrar, Cooperative Societies, Kurukshetra, but thereafter vide Annexure P-6, a notice was issued to the petitioner by the Inspector, Cooperative Societies, Kurukshetra.

4. I have heard learned counsels for the parties.

5. A query was raised to learned State counsel as to whether the cause of action and subject matter pertaining to both the aforesaid orders/letters at Annexures P-4 and P-6 was same or not to which he while referring to the reply submitted that there is nothing on the record to show that aforesaid orders are not based on same cause of action.

6. The only stand taken by learned State counsel is that subsequent order at Annexure P-6 was issued by the Inspector, Cooperative Societies, Kurukshetra. It is a settled law that once an allegation is made and thereafter on completion of enquiry, warning or any kind of punishment is issued then on the same subject matter, second enquiry is not permissible. A perusal of para No.4 of reply filed by respondents No.1 and 2, would show that on the basis of the enquiry report, the Assistant Registrar, Cooperative Societies, had



passed the order dated 31.10.2019 (Annexure P-4) whereby the petitioner was warned to perform the duties in accordance with PACS Service Rules, 2014 and thus no further action was required.

7. In this way, it appears even from the reply filed by the respondent-State that subject matter of both the orders at Annexures P-4 and P-6 is the same.

8. In view of the aforesaid facts and circumstances, the present petition is allowed. Impugned order at Annexure P-6 is hereby set aside

9. Present petition is allowed in the aforesaid terms.

(JASGURPREET SINGH PURI)
JUDGE

12.08.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No