

152 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-32843-2024 (O/M)
Date of decision : 05.12.2024

Karambir Petitioner(s)

Versus

The Registrar, Cooperative Societies, Haryana and others
..... Respondent(s)

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. U.K. Agnihotri and Mr. Anshul Agnihotri, Advocates
for the petitioner.

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HARSH BUNGER, J. (ORAL)

1. Petitioner (Karambir) has filed the instant civil writ petition under Articles 226/227 of Constitution of India, inter alia, seeking setting aside of order dated 08.11.2024 (Anneuxre P-1), passed by Assistant Registrar, Cooperative Societies, Palwal, whereby the petitioner was suspended from the post of Parbandhak of Ghorī Primary Agriculture Cooperative Society (in short 'GPAC Society').

1.1 A further prayer has been made for issuance of a writ of mandamus for directing Registrar, Cooperative Societies, Haryana to consider and decide the prayer for stay made in a petition (Coop. No. 102 of 2024), filed by the petitioner, challenging his suspension order dated 08.11.2024 (Annexure P-1), which is stated to be pending before him.

2. Briefly, the petitioner was suspended from the post of Parbandhak of GPAC Society, vide order dated 08.11.2024

(Annexure P-1), for committing negligence in the performance of his duties. Concededly, the said order has been impugned by the petitioner by preferring a petition (Annexure P-10) before Registrar, Cooperative Societies, Haryana.

2.1 As per own pleaded case of the petitioner in para 26 of the instant civil writ petition, Registrar, Cooperative Societies, Haryana has already issued notice in the petition, filed by the petitioner for challenging his suspension and the matter is pending consideration before the Registrar, Cooperative Societies, Haryana for 09.01.2025. It is also stated that the aforesaid matter was listed before Registrar, Cooperative Societies, Haryana on 22.11.2024, when respondents in the petition have already appeared.

2.2 By filing the instant civil writ petition, the petitioner has prayed that appropriate directions be issued for staying the operation of order dated 08.11.2024 (Annexure P-1) and/or issue directions to respondent No. 1-Registrar, Cooperative Societies, Haryana for considering his prayer for stay made in the petition (Annexure P-10), filed by the petitioner.

3. I have considered the aforesaid submissions made on behalf of the petitioner.

4. Since the petitioner has already challenged his suspension by filing a petition before Registrar, Cooperative Societies, Haryana, wherein notice has already been issued and even respondents therein have appeared, whereupon the matter has now been listed for 09.01.2025, I do not deem it appropriate to consider the prayer for stay of order

dated 08.11.2024 (Annexure P-1) at this stage, considering the fact that the matter is still sub judice before Registrar, Cooperative Societies, Haryana and prayer for stay of order dated 08.11.2024 has not been rejected till date.

5. As regards the second prayer of the petitioner that appropriate directions be issued to Registrar, Cooperative Societies, Haryana for considering his prayer for stay, suffice it to say that learned counsel for petitioner has failed to refer to any material that he had pressed his prayer for grant of stay before Registrar, Cooperative Societies, Haryana at any stage. It appears that the petitioner has rushed to this Court without pressing his prayer for stay before Registrar, Cooperative Societies, Haryana.

6. In this view of the matter, I do not find any merit in the instant civil writ petition and the same is accordingly dismissed, however, leaving it open to the petitioner to approach Registrar, Cooperative Societies, Haryana with a prayer for preponing the date of hearing in the petition, filed by the petitioner and/or to make a prayer for grant of stay, as is being sought by the petitioner in this petition.

6.1 It goes without saying that in case, any such prayer is made by the petitioner by moving an appropriate application, Registrar, Cooperative Societies, Haryana shall proceed to decide the same on its merit, in accordance with law. It is further made clear that Registrar, Cooperative Societies, Haryana shall consider and decide the matter placed before it without being influenced by any of the observations made in this order.

7. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

05.12.2024
sjks

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