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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-1007-2001 (O&M)
Date of decision: 09.12.2025

JASPAL SINGH

...Petitioner(s)

VERSUS

JOINT REGISTRAR, COOPERATIVE SOCIETIES, FEROZEPUR AND
OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Tahaf Bains, Advocate for the petitioner.

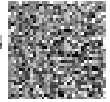
Mr. Raghav Goel, AAG, Punjab.

Mr. Manbir Singh, Advocate for respondents No.3 and 4.

JASGURPREET SINGH PURI, J. (Oral)

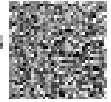
1. The present writ petition has been filed under Articles 226/227 of the Constitution of India, seeking issuance of a writ in the nature of *certiorari* for quashing the order dated 09.10.2000 (Annexure P-8) passed by the Joint Registrar, Cooperative Societies, Ferozepur Division, Ferozepur and the order dated 30.11.1998 (Annexure P-6), whereby the petitioner has been terminated from service.

2. Learned counsel for the petitioner while giving the facts of the present case submitted that the petitioner was working as a Salesman in respondent No.3-Cooperative Society, namely, the Nathuwala West Cooperative Agricultural Service Society Limited. He submitted that while the petitioner was



working in the aforesaid Society, allegations of embezzlement of funds were levelled against him and in furtherance of the same, he was suspended in the year 1996 but thereafter, he was reinstated in service on 06.01.1998. He further submitted that allegations of embezzlement of the funds of the Society were levelled against the petitioner, pursuant to which which arbitration proceedings were initiated against him under Sections 55 and 56 of the Punjab Cooperative Societies Act, 1961 and various awards were passed against him, wherein he gave a statement that he will deposit the entire amount found due from him. He further submitted that there was no admission of guilt by the petitioner and the only concession he made in the arbitration proceedings was that he will deposit the entire amount found due from him.

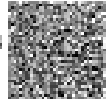
3. Learned counsel for the petitioner further submitted that thereafter, the respondent-Cooperative Society vide Annexure P-6 dated 30.11.1998 passed a Resolution with the dissent of three members and terminated the petitioner from service on the aforesaid allegations of embezzlement and failure to hand over the records. He further submitted that the aforesaid Resolution was passed in violation of Rule 80 of the Punjab Cooperative Societies Rules, 1963, which provides that for passing of any Resolution, at least 15 days' clear notice has to be given and a detailed procedure for the same has been so incorporated in the aforesaid Rule. He submitted that there has been a flagrant violation of the aforesaid Rule as no notice or any agenda was circulated in this regard and the aforesaid Resolution was passed in a single day, which was decided by three Members because it was a case of a political vendetta with a purpose to accommodate and appoint some other person, who was relative of a member of



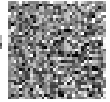
the Management Committee of the Society. He further submitted that not only was there a violation of Rule 80 of the Punjab Cooperative Societies Rules, 1963, but there was also violation of Rule 14 of the Punjab State Cooperative Agricultural Service Society Service Rules, 1997, which provides that when a major punishment is to be inflicted, a detailed procedure has to be followed by issuance of notice in writing by giving 15 days' time to respond, an Enquiry Officer has to be appointed and a detailed enquiry has to be conducted but nothing of the sort was done at all and therefore, there was a wholesale violation of the statutory Rules under both Rule 80 of the Punjab Cooperative Societies Rules, 1963 and Rule 14 of the Punjab State Cooperative Agricultural Service Society Service Rules, 1997.

4. Learned counsel for the petitioner further submitted that the aforesaid Resolution passed by the Managing Committee of the Society was in total violation of law and was thereafter challenged by the petitioner by filing a statutory appeal under Rule 15 of the Punjab Cooperative Agricultural Service Society Rules before the Deputy Registrar, Cooperative Societies, Moga and vide order dated 13.06.2000 (Annexure P-7), the Deputy Registrar, Cooperative Societies, Moga, allowed the appeal and set aside the Resolution (Annexure P-6) holding it to be in violation of Rule 80 of the Punjab Cooperative Societies Rules, 1963, as well as Rule 14 of the Punjab State Cooperative Agricultural Service Society Service Rules, 1997.

5. Mr. Bains further submitted that thereafter, the respondent-Society filed a revision petition before the Joint Registrar, Cooperative Societies, Ferozepur Division, Ferozepur and vide impugned order dated 09.10.2000

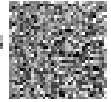


(Annexure P-8), the Joint Registrar, Cooperative Societies, Ferozepur Division, Ferozepur, allowed the revision petition and set aside the order passed by the Deputy Registrar, Cooperative Societies, Moga vide Annexure P-7, only on the ground that since the petitioner had admitted guilt, no enquiry was required to be conducted. He further submitted that the aforesaid finding recorded by the Joint Registrar, Cooperative Societies, Ferozepur Division, Ferozepur, is totally arbitrary, cryptic and against the record and submitted that there was no admission of guilt at any stage by the petitioner and it was only during the arbitration proceedings conducted statutorily under Sections 55 and 56 of the Punjab Co-operative Societies Act, 1961 that he had stated that he will deposit the entire amount found due from him, which cannot amount to admission of guilt. In this regard, he referred to Annexure R-3/1, attached along with the reply filed on behalf of respondents No.3 and 4, which is a copy of the Resolution dated 06.01.1998, in which details of the arbitration proceedings were mentioned and the petitioner had stated that he will deposit the entire amount found due from him and therefore, it would not amount to admission of guilt and in case any disciplinary proceedings were to be conducted against the petitioner, the same ought to have been conducted in accordance with the detailed procedure provided under Rule 14 of the Punjab State Cooperative Agricultural Service Society Service Rules, 1997 as aforesaid, which was admittedly not followed and therefore, inflicting a major punishment of termination of service was in violation of the aforesaid Rule and also in violation of the principles of natural justice, namely, *audi alteram partem* because no departmental enquiry was conducted.



6. Learned counsel for the petitioner further submitted that during the pendency of the present petition, the petitioner has already attained the age of superannuation in the year 2017 and he has been kept away from discharging his duties without any fault on his part and therefore, prayed that not only the aforesaid impugned order dated 09.10.2000 (Annexure P-8) passed by the Joint Registrar, Cooperative Societies, Ferozepur Division, Ferozepur may be set aside but also a direction may be issued to the respondent-Society to fix the notional pay of the petitioner and after fixing the notional pay of the petitioner as on the date of his superannuation, grant him all the retiral benefits along with interest @ 6% per annum. Apart from the above, learned counsel for the petitioner has also prayed that the petitioner be paid salary for the period during which he was kept away from discharging his duties.

7. On the other hand, learned counsel for respondents No.3 and 4 submitted that there is no dispute that the Resolution (Annexure P-6) was passed by the respondent-Society and no departmental enquiry was conducted but the reason for the same which is so reflected in the impugned order passed by the Joint Registrar, Cooperative Societies, Ferozepur Division, Ferozepur vide Annexure P-8 was that the petitioner had admitted his guilt and since he had admitted his guilt, it was not considered necessary to conduct a detailed enquiry even if a major punishment was to be imposed and therefore, the present petition is liable to be dismissed. He also submitted that the petitioner would not be entitled to any salary for the period starting from his termination till the time he attained the age of superannuation as he did not perform any duties during that period.

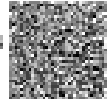


8. Learned State counsel submitted that since the impugned orders are quasi-judicial in nature, he does not want to put forth any arguments in this regard.

9. I have heard the learned counsels for the parties.

10. Some of the facts are not in dispute in the present case. The petitioner was an employee of the respondent-Society and was working as a Salesman and he was terminated from service vide Resolution dated 30.11.1998 (Annexure P-6). It is an admitted case of the parties that no disciplinary proceedings were conducted against the petitioner, although a charge-sheet was issued at an initial stage. Learned counsel for respondents No.3 and 4 relied on the observations made by the Joint Registrar, Cooperative Societies, Ferozepur Division, Ferozepur in the impugned order dated 09.10.2000 (Annexure P-8) that the petitioner had admitted his guilt and therefore, no detailed enquiry was required to be conducted. A perusal of Annexure R-3/1 would show that during the arbitration proceedings, the petitioner stated that he will deposit the entire amount found due from him. This Court is of the considered view that the aforesaid statement made by the petitioner, if at all, cannot amount to admission of guilt even if he has so stated that he will deposit the entire amount. Therefore, the Resolution of the respondent-Society, vide which the petitioner was terminated from service without conducting a detailed enquiry in violation of Rule 14 of the Punjab State Cooperative Agricultural Service Society Service Rules, 1997, would not be sustainable.

11. Rule 80 of the Punjab Cooperative Societies Rules, 1963, as relied upon by the learned counsel for the petitioner, is reproduced as under:-



“80-Special Rule. [Section 85(1) and 85(2) (ii) and (xxxv)].- Notwithstanding anything contained in these rules, the procedure contained in this rule shall apply to a co-operative society whose working capital exceeds Rs. 50,000/-.

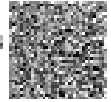
(i) Atleast fifteen days clear notice, specifying the date, place, time and agenda for a meeting of a general body, committee and atleast seven days clear notice for a meeting of any smaller body set up by either of them, whether, convened by the Registrar, the President or otherwise, shall be given to all the members of the general body/committee or smaller body, as the case may be;

Provided that a shorter notice may be given to all the members of the general body/committee or smaller body, as the case may be with the permission of the Registrar or under his direction.

(ia) The Registrar, may of his own motion or on a reference made to him, declare the proceedings of the meeting referred to in clause (i) as invalid, if he is satisfied that the meeting was held without proper notice or without all the members having received the notice for the meeting or if the meeting was not conducted at the appropriate place and time; and

(ii) No matter shall, except with the permission, or directions of the Registrar be considered in a meeting of a general body/committee or in a meeting of any smaller body set up by either of them unless that matter is specifically included in the agenda which is circulated to all members at least fifteen clear days or seven days in advance, respectively.

(iii) Should a difference of opinion in respect of any matter arise between a nominated member of the committee



and other members thereof, the opinion of the nominated members shall be recorded in the minutes of the proceeding of the meeting in the words of the nominated member and the proceedings shall also be got signed from the nominated member. As required by sub-section (4) of section 26, the Chairman shall, as soon as possible make a reference to the Government and if no reference is made within seven days of the date of the Registrar may, on receipt of a report from a nominated member, make a reference to the Government for getting its decision.”

12. Rule 14 of the Punjab State Cooperative Agricultural Service Society Service Rules, 1997, as relied upon by the learned counsel for the petitioner, is reproduced as under:-

“14. Penalties

1. The following penalties for good and sufficient reasons may be imposed on an employee by the competent authority for the mis-conduct established on his part:-

(i) Minor punishment:

(a) censure.

(b) Reduction in emoluments.

(c) Stoppage of increments.

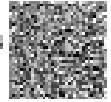
(ii) Major Punishments

(a) Reduction in rank.

(b) Removal or dismissal from service.

In addition to the afore-mentioned penalties, the Committee may order recovery from the pay of the employee due to pecuniary loss caused by him to the Society by his negligence or by any willful acts of omissions or commissions on his part.

2. No order imposing any of the penalties specified in sub rule (i)(i) above shall be passed except after giving



written notice to the employee about the charge or charges leveled against him and after giving him an opportunity to represent his case within 15 days from the receipt of notice to be served on him.

3. In the case of inflicting major punishment as enumerated in sub rule I. II above inquiry proceedings have to be initiated giving him reasonable opportunity to represent his case as per the details given below:-

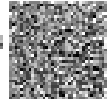
(i) Notice in writing to the employee by the competent authority enumerating therein the charge/charges levelled against him shall be given with a direction to represent his case in writing within 15 days from the receipt of notice.

(ii) After the representation from the employee is received, the competent authority shall consider this representation in the light of charges levelled against him.

(iii) If after consideration of representation competent authority reaches at a conclusion that the reply of the employee is not satisfactory then he shall appoint some person as enquiry officer and another person as presenting officer.

(iv) The concerned employee shall be informed about the appointment of enquiry officer and presenting officer. The Enquiry Officer shall hear the case by affording opportunity of hearing to the concerned employee. The Presenting Officer shall put forth the case of the Society to the Enquiry Officer. Copies of all the documents relied upon in the enquiry shall be given to the concerned employee.

(v) The enquiry officer shall submit the report to the competent authority and competent authority after considering the report, if reaches at a conclusion that some major penalty is required to be inflicted on the employee, shall give a notice to the concerned employee proposing



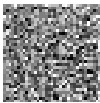
therein the penalty to be inflicted on the employee and to give him an opportunity to represent within a period of 15 days as to why this penalty should not be inflicted upon him.

(vi) After the expiry of 15 days and after considering the reply of the employee, if received, the competent authority shall pass the orders of inflicting of major penalty on the employee.

(vii) The order of infliction of major penalty on employee shall be communicated to him immediately.”

13. So far as Rule 80 of the Punjab Cooperative Societies Rules, 1963 is concerned, the Resolution which was passed vide Annexure P-6 was adopted without circulating any agenda, whereas the aforesaid Rule provides that 15 days' notice has to be given and this was one of the reasons for setting aside the aforesaid Resolution by the Deputy Registrar, Cooperative Societies, Moga. Another reason for setting aside the Resolution passed by the Deputy Registrar, Cooperative Societies, Moga was that it was in violation of aforesaid Rule 14. On the face of it, Rule 14 of the Punjab State Cooperative Agricultural Service Society Service Rules, 1997, was violated as a major punishment was inflicted upon the petitioner without holding any disciplinary proceedings.

14. The petitioner is stated to have attained the age of superannuation during the pendency of the present petition, which has been pending for about 24 years. The impugned order dated 09.10.2000 (Annexure P-8) passed by the Joint Registrar, Cooperative Societies, Ferozepur Division, Ferozepur, on the aforesaid sole issue is cryptic and illegal and therefore, the same is hereby set aside. The petitioner now cannot be reinstated in service because he has attained



the age of superannuation. Therefore, it is directed that the respondent-Society shall fix the notional salary of the petitioner as on the date of his retirement and grant him all the retiral benefits, which would have accrued to him, along with interest @ 6% per annum (simple) from the date of attaining the age of superannuation till date of actual payment to him. So far as the grant of salary to the petitioner for the period during which he remained out of service is concerned, the petitioner shall not be entitled to the same. The respondent-Society is directed to pay the aforesaid benefits to the petitioner, within a period of four months from today.

15. Consequently, the present writ petition stands allowed.

09.12.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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