



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

130

**CWP-15563-1999 (O&M)**  
**Date of decision: 15.09.2025**

Surinder Singh

....Petitioner

Versus

Joint Registrar, Cooperative Societies, Ferozepur and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. J.S. Maanipur, Advocate  
with Ms. Harpreet Kaur, Advocate  
for the petitioner.

Mr. Vikas Arora, DAG, Punjab.

Mr. Ashok Sharma Nabhwala, Advocate  
for respondent No.3.

**HARPREET SINGH BRAR J. (Oral)**

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing the impugned order dated 26.08.1999 passed by respondent No.1 and the resolution dated 16.03.1998 passed by respondent No.3 whereby the services of petitioner have been terminated and to restore the order dated 24.09.1998 (Annexure P-8) passed by respondent No.2. Further a writ of *mandamus* has been sought, directing respondent No.3 to reinstate the petitioner with all consequential benefits along with full backwages.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was appointed as Salesman on 16.06.1981 by respondent



No.3 and on 17.09.1997, the petitioner was suspended and a charge-sheet was served upon him on 10.10.1997 (Annexure P-1). A Sub-Committee of the Managing Committee of respondent No.3 was constituted and the petitioner was directed to appear before the Sub-Committee on 28.02.1998 as discernible from Annexure P-3. The petitioner by filing a detailed reply (Annexure P-2) to the charge-sheet, denied the allegations on the ground that the charge-sheet has been served by an incompetent authority. In spite of the fact that the petitioner remained in the office of respondent/Society for causing appearance before the Sub-Committee from 10:00 AM to 05:00 PM but no member of the Sub-Committee was present there. On 02.03.1998, the petitioner wrote a letter (Annexure P-4) by reiterating his grounds taken in the reply to the Administrative Committee, without following the prescribed procedure and in violation of the principles of natural justice, respondent No.3 passed the impugned termination order dated 20.04.1998 (Annexure P-5) which was received by the petitioner on 26.04.1998. The petitioner, therefore, filed a statutory appeal (Annexure P-6) and pleaded specific grounds with regard to passing of the impugned punishment without appointing any Enquiry Officer or Presenting Officer and also relied upon Regulation 14 of the Punjab State Cooperative Agricultural Service Societies Service Rules, 1997 (in short 'the Rules of 1997') and emphasized that the impugned action of termination has been taken in complete derogation of the procedure prescribed under Regulation 14 of the Rules of 1997. Thereafter,



respondent No.3 filed written statement and admitted that no Presenting Officer or Enquiry Officer was appointed. The Appellate Authority found force in the grounds taken in the appeal and allowed the appeal filed by the petitioner and set-aside the order of termination on 24.09.1998 (Annexure P-8). Thereafter, respondent No.3 filed revision petition under Rule 15 of the Rules of 1997 against the order dated 24.09.1998 passed by the Appellate Authority. Thereafter, respondent No.1 without considering the fact that no opportunity was given to the petitioner in terms of Regulation 14 of the Rules, of 1997 and passed the impugned termination order by accepting the *ex parte* allegations, however, the Revisional Authority had set-aside the well-reasoned order passed by the Appellate Authority on 26.08.1999 (Annexure P-10). The petitioner challenged the same by filing the instant writ petition and this Court after *prima facie* satisfied with the arguments advanced by learned counsel for the petitioner has ordered *status quo* regarding service of the petitioner while issuing notice of motion on 04.11.1999. In support of his arguments, learned counsel for the petitioner has relied upon judgment of Hon'ble Supreme Court in ***The U.P. Cooperative Federation Limited vs Shri Ram Singh Yadav and others, 1998(1) RSJ 218*** wherein it has been held that termination of an employee without Enquiry Officer and enquiry proceedings is illegal.

3. *Per contra*, learned counsel for respondent No.3/Society submits that the allegations against the petitioner are grave in nature. He is alleged to have committed embezzlement and also disobedience. The



Sub-Committee was constituted in view of the serious allegations against the petitioner. Further the petitioner in spite of receiving the letter dated 12.02.1998 (Annexure P-3) did not appear before the Sub-Committee. Further he relies upon the documents (Annexures R-3/3 to R-3/5) and submits that the petitioner was given ample opportunities for submitting explanation. The petitioner has chosen not to cause appearance before the Sub-Committee. Further the petitioner has not even handed over the sale and stock register of the Society and thus, considering all the facts and circumstances, the Managing Committee of the respondent/Society vide Resolution No.2 dated 31.03.1998, decided to terminate the services of the petitioner. Further the Sub-Committee was appointed as per the Rules by the Managing Committee and full opportunity was granted to the petitioner and the order of termination was passed after considering his reply to the charge-sheet.

4. Having heard learned counsel for the parties and after perusal of the record, it transpires that the termination of the petitioner's services suffers from procedural irregularities and non-compliance with the mandatory provisions of the Punjab State Cooperative Agricultural Service Societies Service Rules, 1997. A perusal of the record reveals that although serious allegations were levelled against the petitioner, the procedure contemplated under Regulation 14 of the Rules of 1997, requiring the appointment of an Enquiry Officer and a Presenting Officer, and conducting a formal enquiry, was not followed. This fact has not been denied by respondent No.3, and was specifically noted and



relied upon by the Appellate Authority while setting-aside the termination order dated 20.04.1998. The Revisional Authority, however, mechanically set-aside the well-reasoned order of the Appellate Authority without addressing the core issue of violation of principles of natural justice and statutory procedure. The petitioner had submitted a detailed reply to the charge-sheet and remained present on the date fixed for enquiry yet the Sub-Committee failed to proceed with the enquiry. In such circumstances, the *ex parte* decision to terminate the services of the petitioner without due enquiry cannot be sustained in the eyes of law.

5. Learned counsel for respondent No.3 is not in a position to controvert the fact that the procedure as prescribed under the applicable Rules for awarding major punishment have not been followed and, thus, there is a clear-cut violation of principles of natural justice. Non-adherence to the procedural safeguards would vitiate the enquiry and subsequent order of punishment.

6. Furthermore, the procedural safeguards in the Regulations are in consonance with the Article 21 of the Constitution of India and exist to ensure fairness in the disciplinary proceedings. Relying upon ***Mrs. Maneka Gandhi vs. Union of India and Another (1978) 1 SCC 248***, it is evident that the procedure adopted by the respondents in terminating the services of the petitioner was neither fair nor just, and therefore, violates the fundamental rights guaranteed under Article 21 of the Constitution of India.



7. Moreover, the Hon’ble Supreme Court in *Shri Ram Singh Yadav’s case (supra)* has categorically held that termination of an employee without following the due process of law, including proper enquiry, vitiates the order of termination. The ratio of the said judgment squarely applies to the facts of the present case.
8. In view of the foregoing discussions and in light of the admitted procedural lapses and violation of principles of natural justice, the impugned order of termination dated 26.08.1999 (Annexure P-10) and the Resolution dated 16.03.1998 are hereby quashed. The well-reasoned order dated 24.09.1998 passed by the Appellate Authority, which set-aside the termination order, is restored.
9. Although the petitioner has since retired in the year 2018, he is entitled to all consequential benefits including full back wages from the date of termination till retirement as well as pensionary benefits. The respondents are directed to calculate and release the said benefits to the petitioner within a period of two months from the date of receipt of a certified copy of this order. The writ petition is accordingly allowed.

(HARPREET SINGH BRAR)  
JUDGE

15.09.2025

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