



COC-1078-2025 (O&M)

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

COC-1078-2025 (O&M)
Date of Decision: August 21, 2025

Bikkar Singh

.....Petitioner

Vs.

Vimal Kumar Setia and anr.

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Ashok Sharma Nabhwala, Advocate
for the petitioner.

Mr. Animesh Sharma, Addl.A.G. Punjab.

Mr. Harbans Sharma, Advocate
for respondent No. 2.

SUDEEPTI SHARMA J. (Oral)

1. The present contempt petition has been filed for non-compliance of order dated 10.02.2025 passed by this Court in LPA-248-2025.

2. Vide order dated 10.02.2025, this Court passed the following order:-

“11. Keeping in view the facts and circumstances as above, impugned order dated 30.05.2024 is set aside in the light of order dated 09.08.2024 and subsequent orders dated 22.11.2024 and 10.12.2024 passed in CWP-16052-2022.

12. Appeals are, accordingly, disposed of in view of decision dated 09.08.2024 and specific stand of respondent State. Needless to say, reinstatement of appellants shall be subject to orders as may be passed by Hon'ble the Supreme Court in proceedings which may be initiated by the State.”

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3. In compliance of the above order, reply on behalf of The Damdama Sahib Multipurpose Cooperative Agriculture Service Society Ltd, Talwani Sabo, District Bathinda-respondent No. 2 has been filed. The operative part of which reads as under:-

“2. That the petitioner Bikkar Singh who was an employee of the The Damdama Sahib Singh Multipurpose Cooperative Agriculture Service Society Ltd, Talwandi Sabo and he had retired on 31.08.23 as per the Amended Rule 19(A) of the Service Rules 1997 applicable at the relevant time of the retirement of the petitioner as amendment to the rule was made on 24.09.2020. He had filed CWP no. 20492/2023 which was dismissed vide order dated 30.05.24 as per own admission of the petitioner in the present contempt petition. But the petitioner had later on filed LPA No 248 of 2025 which was disposed of vide order dated 10.02.25.

3. That another CWP No 16052 of 2020 was filed by the Association of Employees Cooperative Agriculture Service Societies in which the Hon'ble Division Bench had passed order dated 09.08.2020 which is attached as (Annexure P-1) with the present contempt petition and vide which the Amended Rule 19 (A) was set aside for want of compliance of Clause (3) of Section 85 of the Act and the respondents were directed to make compliance of Clause (3) of section 85 of the Act and to complete the said exercise within a period of 2 months. That in the said writ petition an interim order dated 10.12.24 were passed by this Hon'ble Court and in paragraph 4 and 5 of the said orders this Hon'ble court had passed the following orders: -

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"4. Though in terms of the supra extracted paragraph, this Court has the impugned amendment, as, made to Rule 19 (A) of the Punjab State Cooperative Agricultural Service Societies Service Rules 1997. The reason set forth therein for setting aside the impugned amendment (supra) ensued from the factum that despite the necessity of the impugned amendment being placed before the State Legislature, yet with the said statutory necessity remaining uncomplied, therebys, the was declared ultra vires the provisions embodied in sub section (3) of section 85 of the Punjab Cooperative Societies Act, 1961.

5. The act consequence thereof, was that, those who were sufferers under the impugned amendment or became therebys affected thus were required to be permitted to rejoin the service, unless the bill embodying therein the relevant amendment became successfully passed in the State Legislature, and also subsequently received the assent of the Governor. Since, there is no material on record in respect of the successful passing of the bill, a little too by reduction in the retirement age of the employees of the petitioner (s) society, thereby, the consequences of the setting aside of the impugned Rule. was that, those who became affected from the impugned amendment and who still have some years to serve under the un-amended Rules rather were required to be permitted to rejoin the duty."

4. That the Assistant registrar, cooperative societies, Talwandi Sabo, District Bathinda, after receiving the certified copy of the order dated 10.12.24, had directed all the concerned officers/Inspector Cooperative

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Societies in the field to make compliance of the above said order dated 10.12.2024 and send the compliance report to the answering respondent. The Assistant Registrar Cooperative Societies vide letter dated 30.01.25. had directed all the Inspectors Cooperative Societies under his charge to comply with the order 10.12.24 passed in CWP No 16052 of 2020 The copy of the letter dated 30.01.25 is attached as Annexure R-1.

5 Thus in view of the above order dated 10.12. 2024 passed by this Hon'ble court those petitioners who became affected from the impugned amendment and who still had some years to serve under the unamended Rules rather were required to be permitted to rejoin the duty. But the petitioner who had to retire under Amended Rule 19-A on 31.08.2023 on attaining the age of 58 years but after the vacation of the stay, the petitioner was retired from service on dated 23.11.2024. But the petitioner had also received the amount of Rs 13,50,000 (thirteen lakhs and fifty thousand only) towards his retirement dues as per record of the respondent society and before his re-joining the petitioner was required to deposit the said amount of Rs 13,50,000 (thirteen lakhs and fifty thousands only) in the accounts of the respondent society as no employee, after receiving the amounts of retirement dues, which are payable only after the retirement, could have been allowed to rejoin the service or continue in service, until and unless the amount of retirement dues received by him are deposited in the accounts of the said society /organisation. The managing committee of the respondent society and the sub committee constituted by the respondent society for compliance of the order dated 10.12.2024

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passed by this Hon'ble court considered the matter by holding a meeting of the managing committee on dated 03.02.2025 for compliance of the order dated 10.12.24 passed by this Hon'ble court and decided that the petitioner be allowed to rejoin his duties. But as he had received the amount of Rs 13.50 lakh of the retirement dues which he should deposit before his rejoining and accordingly the respondent No. 2 society, informed the petitioner in this regard vide letter dated 07.02.25, and asked the petitioner to deposit this amount of Rs.13.50 Lakhs in the Saving Account of the society before his rejoining in the society as directed by this Hon'ble court. But the petitioner has not deposited the said amount of Rs. 13.50 Lakhs of the retirement dues in the accounts of society till date and has neither informed the concerned Assistant Registrar or the society accordingly regarding the depositing of the amount of Rs of the stay, the petitioner was retired from service on dated 23.11.2024. But the petitioner had also received the amount of Rs 13,50,000 (thirteen lakhs and fifty thousand only) towards his retirement dues as per record of the respondent society and before his re-joining the petitioner was required to deposit the said amount of Rs 13,50,000 (thirteen lakhs and fifty thousands only) in the accounts of the respondent society as no employee, after receiving the amounts of retirement dues, which are payable only after the retirement, could have been allowed to rejoin the service or continue in service, until and unless the amount of retirement dues received by him are deposited in the accounts of the said society /organisation. The managing committee of the respondent society and the sub committee constituted by the respondent society for compliance of the order dated

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6. That, as per the date of birth of the petitioner, as per record of the society and the answering respondents are rejoining of the petitioner for the period of remaining service of the petitioner upto 60 years of age and the answering respondent No 2 has already asked the petitioner for rejoining in the respondent No. 2 Cooperative Society and the petitioner has to deposit the amount of Rs. 13.50 Lakhs received as his partial retirement dues before rejoining the service in the respondent society. But the petitioner, till date, has not deposited the amount of Rs. 13.50 Lakhs in the accounts of the society and,

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perhaps, only because of that the petitioner has not rejoined as he has not submitted his rejoining report to the respondent society.

4. In view of the above, the order dated 10.02.2025 passed by this Court in LPA-248-2025 has already been complied with.

5. Accordingly, the contempt is purged and rule is *discharged*.

(SUDEEPTI SHARMA)
JUDGE

August 21, 2025

Gaurav Arora

Whether speaking/non-speaking : Yes/No

Whether reportable : Yes/No