



CWP No.14320-1997

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

CWP No.14320-1997(O&M)

Date of Decision: 06.05.2025

Mahabir Singh Tanwar

....Petitioner

VS.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Mahabir Singh Tanwar, petitioner in person

Mr. Raman Sharma, Addl. A.G. Haryana

Mr. Gaurav Jindal, Advocate
for respondent No. 3

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of:

I. order dated 19.07.1996 (Annexure P-4) whereby his joining report was accepted as Accountant instead of Manager Accounts.

II. order dated 02.12.1996 (Annexure P-6) whereby his appeal was dismissed.

2. The petitioner joined Haryana State Cooperative Housing Federation Limited, Chandigarh-respondent No. 3 as Steno Typist on 05.06.1981. He was promoted to the post of Assistant on 14.12.1987. He



was further promoted to the post of Accountant on 05.04.1988 in Accounts cadre. He was confirmed as Accountant on 04.07.1991 and within five days was issued promotion letter to the post of Manager Accounts. The very next date i.e. 10.07.1991, he was reverted to the post of Accountant. He was suspended vide order dated 12.07.1991. He preferred CWP No. 16351 of 1989 and CWP No. 10510 of 1991 before this Court. Both the petitions came to be disposed of on 22.11.1995. The petitioner was relegated to his remedy of appeal before the Registrar who was further directed to pass speaking order within three months from the date of filing of appeal. He preferred appeal before Registrar who vide order dated 27.05.1996 set aside order passed by Board and remanded the matter back to the Board for conducting enquiry afresh. It is apt to notice here that order dated 10.07.1991 was not passed by Board whereas it was passed by Managing Director. The petitioner submitted joining report on 19.07.1996. He was permitted to join as Accountant. He preferred appeal before Registrar Cooperative Societies, Haryana against order of Managing Director permitting him to join as Accountant instead of Manager Accounts. The Registrar vide order dated 02.12.1996 dismissed his appeal. The operative portion of order dated 02.12.1996 reads as:-

“I have considered the arguments advanced by both sides and also gone through the relevant record available on the file. The main dispute in this case is whether only the dismissal orders against the appellant were set aside by the Registrar vide orders dated 27.05.1996 in Appeal/Coop. 155 of 1996 or whether both the dismissal as well as reversion were set aside? A perusal of the order dated 27.05.1996 passed by the Registrar in



Appeal/Coop. 155 of 1995 reveal that this was an appeal against the order dated 29.12.1992 whereby the appellant was dismissed from service by the respondent. The operative part of this order also clearly mentions that the dismissal orders against the appellant were set aside. There is no mention whether reversion orders were also set aside or not. The purpose of the judgement indicates that only the dismissal of the appellant was set aside when the case was remanded to the BOD of the respondent 'Federation' for conducting afresh enquiry by an officer other than the earlier one.

In view of the above, the respondent Federation has rightly allowed the appellant to join as Accountant i.e. the post which he was holding at the time of the dismissal. I do not find any legal infirmity in the impugned order dated 19.07.1996. The appeal is, therefore, dismissed.”

3. Mr. Mahabir Singh Tanwar, petitioner in person submits that he was senior most in the Federation, thus, was rightly promoted to the post of Manager Accounts. He preferred appeal before Registrar, Cooperative Societies, Haryana against order of reversion, suspension and dismissal from service. All the orders were set aside by Appellate Authority, thus, respondent was bound to permit him to join as Manager Accounts.

4. Per contra, Mr. Gaurav Jindal, Advocate submits that from the order of Appellate Authority, it is evident that appeal was confined to order of dismissal from service though there was discussion about other orders. The matter was remanded to Board of Directors whereas order of reversion was passed by Managing Director. The petitioner's promotion was *mala*



fide. In the late hours, the petitioner was promoted on 09.07.1991 and was revered very next day i.e. on 10.07.1991.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. From the perusal of prayer clause of CWP No. 10510 of 1991 filed by petitioner, it is quite clear that he sought quashing of order of reversion from the post of Manager Accounts to Accountant, however, no relief qua said prayer was granted by this Court while disposing of said petition. The petition was disposed of in terms of order dated 22.11.1995 passed in CWP No. 16351 of 1989. The operative portion of order dated 22.11.1995 passed in CWP No.16351 of 1989 reads as:-

“In view of the statement of the counsel for the parties, Civil Writ Petition No.16351 of 1989 is dismissed as having become infructuous. So far as the challenge to the order of dismissal is concerned, the petitioner is relegated to his remedy of appeal before the Registrar. In case the petitioner files an appeal within one month from today, the Registrar shall decide it by passing a speaking order within three months thereafter. If the appeal is accepted, it would be open to the petitioner to move an application for the revival of Civil Writ Petition No.16351 of 1989 and agitate his claim with regard to the seniority and promotion etc.”

7. The petitioner preferred appeal in terms of the aforesaid order before Registrar Cooperative Societies, Haryana. The appeal was filed with a prayer to quash reversion order apart from other prayers. The Registrar considered the said appeal as appeal against order of dismissal from service.



This fact is evident from paragraph No.1 of order dated 27.05.1996 passed by Registrar. The said para is reproduced as below:-

“This is an appeal filed on 20.12.1995, under rule 33 of the Staff Service Rules, 1990 (hereinafter referred to, as the Rules) of the Haryana State Cooperative Housing Federation Limited, Chandigarh (hereinafter referred to as the ‘Federation’) against the dismissal order dated 29.12.1992.”

8. The Registrar held that request of the petitioner for changing the enquiry officer should have been accepted and respondent should not have participated in the meeting of the Board who passed the dismissal order against the petitioner. The Registrar set aside the order passed by Board and remanded the matter back to the Board for conducting enquiry afresh. The operative part of order dated 27.05.1996 passed by Registrar reads as:-

“I do not think that there is any need to go into the merit of the case with this history of relationship between the appellant on one hand and respondent no. 3 and 4 on the second. It is obvious that the request of the appellant for changing the Enquiry Officer should have been granted and respondent no.3 should not have participated in the meeting of the Board who passed the dismissal orders against the appellant. The possibility of prejudiced behaviour on the part of respondent no.3 and 4 against the appellant can not be ruled out. Justice not only be done but should be seems to be done. Therefore, I set aside the orders passed by the Board in this case and remand the case to the Board for conducting the enquiry afresh by a person other than respondent no.4 and take suitable action if required on the basis of afresh enquiry.”



9. From the perusal of above quoted order, it is evident that order of reversion from the rank of Manager Accounts to Accountant was never set aside by Registrar. This Court has also not set aside the order of reversion while disposing of aforesaid writ petitions, meaning thereby the order of reversion was neither set aside by this Court nor the Registrar. In the absence of setting aside of order of reversion, the respondent could not permit the petitioner to join as Manager Accounts. The Registrar by impugned order has rightly concluded that order of reversion was never set aside, thus, petitioner was bound to join as Accountant.

10. In the wake of above discussion and findings, this Court is of the considered opinion that the present is bereft of merit and deserves to be dismissed and accordingly dismissed.

11. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

06.05.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No