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

CWP-14590-2016 (O&M)
Date of decision: 04.12.2025

HUKAM CHAND

... Petitioner

Vs.

**PUNJAB STATE COOPERATIVE SUPPLY AND MARKETING FED
LTD. AND ORS.**

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Amit Sharma, Advocate
for the petitioner.

Mr. Vikas Sonak AAG, Punjab.

Mr. Vivek Dahiya, Advocate for
Mr. M.S. Virk, Advocate
for respondent Nos.1 and 3.

HARPREET SINGH BRAR, J. (ORAL)

1. Prayer in this writ petition filed under Article 226 of the Constitution of India, is for issuance of a writ in the nature of mandamus, for quashing impugned memorandum dated 14.03.2016 (Annexure P-7) and 30.03.2016 (Annexure P-8), issued by respondent No.3 and further direction be issued to respondents to ensure the payment of its full retiral dues



including gratuity, leave encashment etc. with interest @ 18% per annum.

2. On the last date of hearing there was no representation on behalf of the petitioner, However, upon a perusal of the paper-book, it is revealed that the petitioner was appointed as a salesman with the Cooperative Marketing Society, Jalalabad. On 24.12.2008, respondent No.2 passed an order under Section 13(8) of the Punjab State Cooperative Societies Act, 1961, for the merger of 27 cooperative societies into Markfed. It was stipulated that the salary and allowances of the employees of those societies would be protected, and their past service would be counted for retirement benefits under Markfed. Consequently, the petitioner was appointed in the respondent Federation vide order dated 20.02.2009, pursuant to the merger order dated 24.12.2008. The petitioner retired on 31.03.2016 and thereafter made repeated representations for the release of his retiral benefits and admissible dues, but no action was taken by the respondents.

The petitioner further relies on the judgment of the Hon'ble Supreme Court in *Bhagirathi Jena vs. Board of Directors, O.S.F.C. and others (1999) 2 SCC 666*, wherein it has been authoritatively held that in the absence of any statutory provision, disciplinary authorities cannot continue proceedings against a retired employee. It is also submitted that the respondent Markfed has, in similar cases, withdrawn identical punishment orders against retirees following notices from this Hon'ble Court.

3. In view of the controversy involved in the present case and also the fact that a retired employee is continuously striving hard for the release of his retiral benefits, this Court finds it expedient in the interest of justice to refer this matter to the High Power Committee constituted under the



chairmanship of the Chief Secretary of the State of Punjab.

4. In compliance with the order dated 20.03.2025 passed by this Court in *CWP No. 7727 of 2025* titled *Paramjit Kaur vs. State of Punjab and others*, the Government of Punjab has constituted an Empowered Committee vide letter dated 16.04.2025. The said Committee was established under the Punjab Dispute Resolution & Litigation Policy, 2020, which aims to encourage the swift resolution of disputes, reduce future litigation, and address the considerable backlog faced by the Courts.

5. In view of the above, the present petition is disposed of in the following terms:

- i. The Empowered Committee constituted under the Punjab Litigation Policy is hereby directed to treat the present writ petition as a comprehensive representation and to consider and adjudicate upon the issue raised herein. In the alternative, the petitioner shall be at liberty to submit a detailed representation setting out his claim within a period of two weeks from the date of receipt of a certified copy of this order.
- ii. The Committee shall pass a reasoned and speaking order, after granting an opportunity of personal hearing to the petitioner, within a period of four months from the date of receipt of a certified copy of this order, or from the date of receipt of the representation of the petitioner, as the case may be. Further, the decision taken thereof shall be conveyed to the petitioner. Needless to say, if the petitioner is found entitled to the relief sought, the same shall be granted to him forthwith.

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6. Pending application(s) if any, shall also stand disposed of.

04.12.2025

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**[HARPREET SINGH BRAR]
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No