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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6218/2023 & CM No.24450/2023**

SATENDER KUMAR SHRIVASTAV AND ORSPetitioners

Through: Mr. Onkar Roy & Mr. Armaan
Ratauya, Advocates.

Versus

DELHI CO OPERATIVE TRIBUNAL & ORSRespondents

Through: Mr. M.K. Bhardwaj, Mr. Maria
Mugesh Kannan. H, Mr. Himanshu
Bhardwaj & Ms. Priyanka M.
Bhardwaj, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

06.03.2025

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1. The petitioners have filed the present petition, *inter alia*, impugning an order dated 24.01.2023 passed by the Delhi Co-operative Societies Tribunal (hereafter *the Tribunal*) in Appeal No.197/2018/DCT captioned *Harbhajan Singh, Pump Operator & Anr. v. CGS Cooperative Land & Group Housing Society Ltd.* Additionally, the petitioners pray that directions be issued to respondent no.2 CGS Co-operative Land & Group Housing Society Ltd. to frame their service rules in accordance with provisions of Section 135 of the Delhi Co-Operative Societies Act, 2003 (hereafter *the DCS Act*).

2. The petitioners are persons who are employed by the respondent No.2/Society in various capacities – petitioner no.1 is employed as Assistant Accountant; petitioner no.2 is appointed as Pump Operator; petitioner no.3 is appointed as Account Clerk; petitioners nos.4 and 7 are appointed as plumbers; petitioner no.5 is appointed as Peon; and Petitioner no.6 is



appointed as Stenographer-cum-Clerk.

3. The petitioners filed an application raising disputes – which were referred to arbitration under Section 71 – and praying as under:

“a) Summons may be issued to the Defendant to explain their conduct and why no adverse action should be taken against them.

b) Directions may be issued to the defendant to disclose their service rules, if any.

c) Directions may be issued to the defendant to provide the claimants with working conditions, facilities and gazetted holidays as per public policy including DA, bonus, etc.”

4. The petitioners are essentially aggrieved by their service conditions. The application filed by the petitioners before the Arbitrator indicates that the disputes were precipitated on account of reduction of number of gazetted holidays available to petitioners from twelve to five, in the meeting of the CGS Cooperative Land & Group Housing Society Ltd.[**Society**] held on 28.06.2017. The petitioners had also sought other employment benefits, which according to them were due including payment, bonus, gratuity, leave allowance, etc.

5. The aforesaid proceedings initiated by the petitioners culminated in an award dated 24.08.2018. The learned Arbitrator found that the disputes raised by the petitioners could not be considered disputes that could be considered in arbitration as the petitioners were seeking directions for framing rules including for their service conditions. And, such claims were required to be addressed on the administrative side by the concerned authorities.

6. Aggrieved by the same, the petitioners filed an appeal, which was disposed of by the impugned order. The learned Tribunal noted that Section



135 of the Act requires that the Government, soon after the commencement of the Act, direct all co-operative societies or class of cooperative societies to frame rules for their employees and get the same approved by the Committee within a period of three hundred and sixty-five days. However, the petitioners had not produced any such directions to the Society and, therefore, no direction for framing of any such service rules could be issued.

7. Insofar as the petitioners claim for certain benefits under the statutory enactments such as Payment of Bonus Act, 1965 and Payment of Gratuity Act, 1972 are concerned, the learned Tribunal held that the said Acts were not applicable to cooperative societies.

8. The learned counsel appearing for the appellants does not dispute that some of the statutory enactments such as Payment of Gratuity Act, 1972 are not applicable to the petitioners employed with respondent No.2/Society. He has confined his submissions to the requirement of framing service rules in terms of Rule 166 of the Delhi Co-operative Societies Rules, 2007 (hereafter *the DCS Rules*).

9. At this stage, we consider it apposite to set out Section 135 of the Act and Rule 166 of the said rule. The same are reproduced below:

DCS Act

“Service rules for employees of co-operative societies.

135. The Government shall as soon as may be after the commencement of this Act, direct all co-operative societies or class of co-operative societies to frame service rules for their employees and get them approved from the committee within a period of three hundred and sixty five days.

DCS Rules

“166. Service rules:- The Committee shall frame service rules for



its employees with regard to service matters viz. recruitment rules of all categories of posts, terms and conditions of appointment, leave, promotion, avenues of each category, educational qualification, pay structure, retirement age, annual assessment report, conduct rules, disciplinary procedure for delinquent employees, advance admissible to employees, medical reimbursement facilities, benefit on death of an employee during service, leave travel concession, provident fund, Insurance of employees and other service matters keeping in view the law in force.”

10. It is the petitioners case that respondent No.2/Society is required to frame service rules as mandated in terms of Rule 166 of the DCS Rules.

11. The contention that Respondent No.2/Society is required to frame service rules is, prima facie, merited.

12. The learned counsel appearing for respondent No.2/Society submits that in fact the respondent no.2/Society has framed the service rules in the Annual General Meeting held on 23.02.2025. A copy of the same has also been handed over to the learned counsel for the petitioners.

13. In view of the above, no further directions are required to be issued in the present petition. The same is accordingly disposed of.

14. However, we clarify that if respondent No.2/Society has violated any of the applicable statutes regarding provision of perquisites or emoluments, this order will not preclude the petitioners from availing specific remedies as available in the said enactments.

VIBHU BAKHRU, J

TEJAS KARIA, J

MARCH 06, 2025

‘gsr’

[Click here to check corrigendum, if any](#)