

246 (18 cases)
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

- 1)

CWP-7428-2025
Date of decision: 22.01.2026
- Lalit and others

Versus

....Petitioners
- The Registrar Cooperative Societies, Haryana and others

...Respondents
- 2)

CWP-2346-2025
- Desh Raj

Versus

....Petitioner
- The Registrar Cooperative Societies Haryana and others

...Respondents
- 3)

CWP-2375-2025
- Kamal Singh

Versus

....Petitioner
- The Registrar Cooperative Societies Haryana and others

...Respondents
- 4)

CWP-3349-2025
- Ved Pal

Versus

....Petitioner
- The Registrar Cooperative Societies Haryana and others

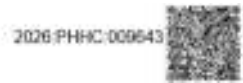
...Respondents
- 5)

CWP-3393-2025
- Shish Pal

Versus

....Petitioner
- Assistant Registrar Cooperative Societies Palwal and others

...Respondents



- 6)

CWP-7976-2025 (O&M)

Sagar Dagar

....Petitioner

Versus

The Registrar Cooperative Societies Haryana and others

...Respondents
- 7)

CWP-8096-2025

Deepak and others

....Petitioners

Versus

The Registrar Cooperative Societies, Haryana and others

...Respondents
- 8)

CWP-8097-2025

Laxmi Devi and others

....Petitioners

Versus

The Registrar Cooperative Societies, Haryana and others

...Respondents
- 9)

CWP-8136-2025

Yogesh and another

....Petitioners

Versus

The Registrar Cooperative Societies, Haryana and others

...Respondents
- 10)

CWP-8145-2025

Sanju Dewal

....Petitioner

Versus

The Registrar Cooperative Societies, Haryana and others

...Respondents
- 11)

CWP-8195-2025

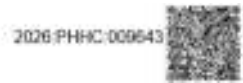
Pardeep

....Petitioner

Versus

The Registrar Cooperative Societies, Haryana and others

...Respondents



12)

CWP-9730-2025

Geetika

Versus

....Petitioner

Registrar Cooperative Societies, Haryana and others

...Respondents

13)

CWP-9605-2025

Jagdev

Versus

....Petitioner

The Registrar Cooperative Societies, Haryana, Panchkula and others

...Respondents

14)

CWP-9703-2025

Mahesh Rawat

Versus

....Petitioner

Registrar Cooperative Societies, Haryana and others

...Respondents

15)

CWP-10780-2025

Archana and another

Versus

....Petitioners

The Registrar Cooperative Societies, Haryana and others

...Respondents

16)

CWP-16557-2025

Vipin Rawat

Versus

....Petitioner

The Registrar Cooperative Societies, Haryana and others

...Respondents

17)

COCP-6150-2025

Sagar Dagar and others

Versus

....Petitioners

Ritender

...Respondent



18)

COCP-4168-2025

Sandeep and another

....Petitioners

Versus

Rajesh Jogpal IAS Registrar Cooperative Societies
Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. U.K. Agnihotri, Advocate,
Ms. Anshul Agnihotri, Advocate and
Mr. Anuj Y. Attri, Advocate
for the petitioner(s) (COCP-4168-2025;
CWP-9730-2025; CWP-9703-2025;
CWP-9605-2025; CWP-7428-2025 &
CWP-3393-2025).

Mr. Rajeev Sharma, Advocate and
Ms. Sony, Advocate
for the petitioner(s) (in CWP-2346-2025,
CWP-2375-2025, CWP-3349-2025,
CWP-4473-2025, CWP-7976-2025,
CWP-8096-2025, CWP-8097-2025,
CWP-8136-2025, CWP-8145-2025
CWP-8195-2025, CWP-16557-2025 &
COCP-6150-2025).

Mr. Surender Singh Dalal, Advocate
for the petitioner(s) (CWP-10780-2025).

Mr. Saurabh Girdhar, AAG, Haryana.

Mr. Pardeep Solath, Advocate
for respondent No.2 (in CWP-3393-2025) and
for respondent No.3 (in CWP-7428-2025).

Mr. Rajvir Singh Sihag, Advocate
for respondent No.4 (CWP-8145-2025) and
for respondent No.3 (in COCP-4168-2025).

HARPREET SINGH BRAR, J. (ORAL)

1. This common order shall dispose of the aforementioned civil writ petitions as they arise from a similar factual matrix. However, for the sake of brevity, the facts are taken from CWP-7428-2025.



2. The present civil writ petition(s) has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for setting aside the impugned order dated 04.03.2025 (Annexure P-5) passed by respondent No.2. Further, for issuance of a writ in the nature of *mandamus* directing the respondents not to relieve the petitioners from duty and to allow them to continue their duty on their respective posts and also to release their salary regularly.

3. Learned counsel for the petitioner(s) *inter alia* contends that respondent No.3-Society caters to the farmers of 14 villages at five sale points and providing Cooperative benefits for distribution of fertilizer, seed, pesticides and other facilities to its members. On every sale point, one Salesman and one Chowkidar is appointed to carry out the work of Society. Admittedly, there were five sale points and one head office of respondent No.3-Society. In the head office apart from the Manager, two Clerks, one Salesman, one Peon and one Chowkidar is required to be posted. Since the last several years, no new staff has been appointed in the Society. In the year 2024, one Manager, two Salesman, two Chowkidars, one Clerk, were working in Society and all these persons used to carry out the work of the Society in the Head Office as well as on the sale points. Due to the shortage of the staff, respondent No.3-Society was unable to carry out its business properly and smoothly. The members of the Society were not properly served. The Managing Committee of respondent No.3-Society has time and again represented the competent authority i.e. ARCS and DRCS concerned to grant necessary permission for appointing adequate staff but the above request was kept pending and no permission was granted despite repeated requests. On 05.03.2024, in view of the shortage of staff and



for proper and smooth functioning of the Society, the Managing Committee of the Society took a decision to appoint staff in the Society to be posted at the sale points. In view of the decision of the Managing Committee on 05.03.2024, an agenda was issued for making appointments in the Society for three posts of Salesman, two Clerks and two Peons as discernible from the agenda dated 05.03.2024 (Annexure P-1). Thereafter, due publication was made inviting applications for the appointment to the above posts in the areas of operations of the Society. The *munadi* was duly conducted and publication through announcement was made. In response to the aforesaid publication, 37 persons applied for their appointment to the above said posts. A selection committee of the members of Society was constituted. The applications received were scrutinized and applicants were called for interview. After following the due procedure, the candidates were short listed for appointment in the Society. In view of the agenda issued on 05.03.2024, the meeting of the Managing Committee was held on 26.03.2024. During the meeting of the Managing Committee, the candidates were short listed and considered for their appointment and the appointments were made in a transparent and fair manner as discernible from Annexure P-2. The aforesaid selected candidates joined their duties and since then, they have been continuously working on their respective posts. The Managing Committee being competent to make such appointments has appointed these persons in accordance with law. After supervising the work and conduct of the appointed staff for six months, it was decided to put up the matter of the said appointments in the General Body meeting of the Society vide agenda circulated on 21.09.2024 (Annexure P-3). The General Body of the Society was convened and the aforesaid agenda was



duly considered and the appointments made by the Managing Committee were approved by the General Body of the Society as discernible from the resolution dated 08.10.2024 (Annexure P-4).

4. Learned counsel for the petitioner(s) further submits that the Societies were on the verge of closure due to shortage of staff. The request for regular employment remained unheeded for several years and as such, the respondent-Society had no other option but to appoint temporary employees on a fixed consolidated salary. The information regarding the above appointments were duly sent to the ARCS and DRCS. Till date, none of the members of the Society or the residents of the area of the operations of the Society had challenged these appointments as the work and conduct of these employees remained satisfactory throughout. Further, Rule 10 of the PACS Rules, 2014 provides for appointment, probation and training of the employees. The appointments were to be made by the Managing Committee and all the appointed candidates fulfil the conditions as laid down in Rule 10 of the Primary Agriculture Co-operative Societies Staff Service Rules, 2014 (hereinafter referred to as 'PACS Rules, 2014'). The aforesaid rule has not been amended till date which proves that the Managing Committee of the Society is competent authority to make appointments in the Society. For making temporary appointments, the permission of the ARCS/DRCS is not required as there is no enabling provision for doing so. The applications were invited after giving wide publicity and selection was made through transparent selection process after conducting interviews, as such, the appointments were made following the due procedure. The petitioners had been working on their duties since the date of their appointment. On 04.03.2025, respondent No.2



illegally and arbitrarily terminated the service of the petitioners without affording an opportunity of hearing. Further, respondent No.2 has no jurisdiction to pass the impugned order dated 04.03.2025 (Annexure P-5). The action of respondent No.2 is contrary to Rule 10 of the Rules of 2014 which provides that the Managing Committee of the Society under Rule 10 (3) (a) may dispense with the services of the appointed employees in case their work and conduct is not satisfactory which proves that respondent No.2 or ARCS or DRCS cannot interfere in any manner regarding the appointment of temporary employees. Further, the resolution dated 26.03.2024 (Annexure P-2) can only be rescinded and set aside under Section 27 of the Haryana Cooperative Societies Act, 1984 by the Registrar, Cooperative Societies, Haryana. Further, the power of the RCS has been delegated to DRCS, as such, ARCS has no jurisdiction or authority to set aside the resolution passed by the Managing Committee of the Society. On 10.01.2025, respondent No.2-ARCS also illegally suspended the Manager of the Society which is also under challenge in the connected writ petition bearing CWP No.3393 of 2025. The petitioners have been terminated without holding any inquiry in any manner or without there being any complaint or misconduct. The petitioners have continuously working on their respective posts since their appointment under the interim order passed by this Court.

5. Learned counsel for the petitioner(s) in CWP No.10780 of 2025 submits that the Assistant Registrar Cooperative Societies lacks the authority and jurisdiction to pass the impugned order as the ARCS is the Appellate Authority under the Common Cadre Rules to hear appeal against any order passed by the Managing Committee, whereas, the power solely lies with the



Registrar Cooperative Societies under Section 27 of the Haryana Cooperative Societies Act, 1984.

6. Learned counsel for respondent No.3 submits that the petitioners were appointed by circumventing the rules applicable for appointment. Firstly, no agenda can be circulated and there is specific bar under Rule 5 (10) of PACS Rules, 2014, to issue agenda regarding making recruitment in the Society. Further, the stand taken by the petitioner regarding requesting the competent authority to appoint employees on regular posts as there is shortage of staff is not substantiated by relying upon any such representation or law. Moreover, the manpower is required to carry out the business of these Societies is provided under Rule 4 Table 1 of Rules of 2014. Even while the agenda was made, there is no mention of posts advertised and number of persons who had applied. Even as per the pleadings, the advertisement was not issued in any newspaper and only *munadi* with the beat of drum was made in the villages under the areas of the operations of the Society. Moreover, the by-laws of the Society No.48 provides that no person shall be recruited in service by the Managing Committee unless the post has been approved by the Registrar and he fulfils the qualifications prescribed in the service rules. Further, by-laws No.49 provides that any appointment made in contravention of Rule 48-A and B shall be deemed to be void-ab-initio for which the Managing Committee would be responsible. Furthermore, there is no record either available with the Society or attached with these petitions regarding conducting interviews.

7. Learned counsel for respondent No.3-Society relies upon Rule 112 of the Haryana Cooperative Societies Rules, 1989 and submits that no relative of any member of the Committee or any of the other officer of the Society shall



be appointed in any office in the Society except with the previous sanction of the Registrar. Admittedly, the petitioners are family members of the Manager, office bearers, employees etc. Further, a complaint was received in the CM window regarding the illegal appointment of the petitioners.

8. Having heard learned counsel for the parties and after perusing the record the case, it transpires that the petitioners claim themselves to be appointed as temporary employees by the Managing Committee which is according to the petitioners is competent to make appointments in terms of Rule 10. At the same time the petitioners are relying upon the Rules to say that the termination is bad in law and power vests in the Managing Committee to dismiss any employee whose work and conduct is not satisfactory under Rule 10 (3). During the course of arguments, reliance has been placed on Section 27 of the Cooperative Act, which confers power upon the Registrar, Cooperative Societies to rescind a resolution passed by the Society. This Court, while exercising its jurisdiction under Article 226 of the Constitution, cannot undertake a fact-finding inquiry into disputed questions of fact. The determination of several contested issues, such as whether there was a genuine shortage of staff in the society, whether the managing committee corresponded with the relevant authorities seeking approval for regular appointments, and whether the appointments in question were made transparently and in accordance with due process following a proper selection procedure, would require a perusal of record and delving into the facts. In such cases, the High Court cannot transform itself into a court of first instance to re-appreciate evidence, decide intricate factual disputes or undertake fact finding inquiry.

9. In the considered opinion of this Court, respondent No.1 would be



the competent authority to decide the issue involved in the present case. The Registrar, Cooperative Societies, Haryana is directed to examine the veracity of the rival claims after perusing the relevant record and decide the same by passing a speaking order after affording an opportunity of hearing to the petitioners, within a period of 03 months from the date of receiving a certified copy of this order. Till then, the interim order granted in favour of the petitioners shall enure.

10. The above mentioned all the writ petitions bearing Nos.CWP-7428-2025; CWP-2346-2025; CWP-2375-2025; CWP-3349-2025; CWP-3393-2025; CWP-7976-2025 (O&M); CWP-8096-2025; CWP-8097-2025; CWP-8136-2025; CWP-8145-2025; CWP-8195-2025; CWP-9730-2025; CWP-9605-2025; CWP-9703-2025; CWP-10780-2025 & CWP-16557-2025 stand disposed of.

11. In view of the above, COCP-6150-2025 & COCP-4168-2025 are disposed of accordingly.

12. A photo copy of this order be placed on the file of connected cases.

(HARPREET SINGH BRAR)
JUDGE

22.01.2026

Neha

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