



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

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CWP-13070-2026 (O&M)
Date of decision: 30.04.2026

Ram Sharan and others

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Deepak Jaglan, Advocate for the petitioners.

Mr. Piyush Khanna, Addl. A.G., Haryana.

Mr. Vikrant Pamboo, Advocate for respondent No.4.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing the impugned order dated 05.12.2018 (Annexure P- 17); the impugned order dated 02.06.2023 (Annexure P- 18) and communication dated 26.09.2024 (Annexure P- 23) issued by respondent No.2.

2. Learned counsel for the petitioners has, *inter alia*, contended that the petitioners are the employees of respondent/Society registered under the Haryana Cooperative Societies Act, 1984. It is further submitted that after the amalgamation process started in the year 2006, no service rules were framed for Primary Agricultural Cooperative Societies/Primary Cooperative Credit & Service Societies employees, a fact which is admitted by the respondents themselves in the RTI information dated 12.10.2011 (Annexure P-1). Thereafter, the



Government and the Registrar, Cooperative Societies, Haryana, granted various financial benefits to the employees of respondent/Society vide letter dated 05.12.2008 (Annexure P-2), letter dated 08.01.2009 (Annexure P-3), decision dated 11.02.2010 (Annexure P-4), letter dated 07.10.2010 (Annexure P-5), letter dated 25.10.2011 (Annexure P-6) and order dated 16.08.2013 (Annexure P-7), on the basis of which the pay of the petitioners was fixed. Subsequently the respondents framed the Primary Agriculture Cooperative Societies Staff Service Primary Cooperative Credit & Service Societies Rules, 2014, which were notified on 21.07.2014 with retrospective effect from 01.03.2014. It is argued that the Primary Agriculture Cooperative Societies Staff Service Primary Cooperative Credit & Service Societies Rules, 2014, particularly Rule 5 thereof, resulted in reduction of the salary of the petitioners and also provided for recovery of alleged excess payment, which is impermissible in law.

3. Learned counsel for the petitioners has further contended that the validity and implementation of Rule 5(4) of the Primary Agriculture Cooperative Societies Staff Service Primary Cooperative Credit & Service Societies Rules, 2014 were subject matter of a challenge before the Division Bench of this Court in **CWP-22097-2014**, titled as ***Sukhbir Singh and others vs State of Haryana and others***, along with a bunch of petitions and during the pendency of such petitions, a Committee was constituted by respondent No.2 vide order dated 03.07.2015 (Annexure P-8) to examine the grievances of the



employees. The petitioners, through their Union, submitted representations and suggestions vide letter dated 06.07.2015 (Annexure P-9). Subsequently, the Division Bench of this Court in ***Sukhbir Singh's case (supra)*** vide order dated 03.08.2015 (Annexure P-10) directed that no recovery be effected till the Committee submits its report.

4. Learned counsel for the petitioners has further submitted that subsequent proceedings, including the letter dated 30.07.2015 (Annexure P-11), order dated 20.01.2016 (Annexure P-12) and order dated 09.11.2016 (Annexure P-13), consistently reflect that the issue regarding amendment of the Primary Agriculture Cooperative Societies Staff Service Primary Cooperative Credit & Service Societies Rules, 2014 and protection of salary was under active consideration and interim protection *qua* the recovery was granted. Thereafter, the respondents framed the Primary Agriculture Cooperative Societies Staff Service Primary Cooperative Credit & Service Societies (Second Amendment) Rules, 2017 (Annexure P-14), which further changed the pay structure of the petitioners. The said Rules, according to the petitioners, have been framed by an incompetent authority, i.e. the Registrar, Cooperative Societies, Haryana, though the power to frame such Rules vests with the State Government under the Haryana Cooperative Societies Act, 1984.

5. Learned counsel for the petitioners has further argued that the Assistant Registrar, Cooperative Societies, Kurukshetra vide letter



dated 23.06.2017 (Annexure P-15) directed the implementation of the Primary Agriculture Cooperative Societies Staff Service Primary Cooperative Credit & Service Societies (Second Amendment) Rules, 2017 and thereafter, the respondents passed the impugned order dated 05.12.2018 (Annexure P-17), whereby earlier benefits were withdrawn and recovery was ordered. Thereafter, subsequent letter dated 02.06.2023 (Annexure P-18) and communication dated 23.08.2024 (Annexure P-23), further directed strict implementation of the rules and effect recovery from the petitioners.

6. Learned counsel for the petitioner has further contended that although certain interim orders were passed in favour of similarly situated employees, as is evident from the order dated 19.03.2019 passed in CM-4372-CWP-2019 filed in CWP-3736-2019 (Annexure P-19), order dated 02.06.2022 passed in CWP-13051-2022 (Annexure P-20) and order dated 28.07.2023 passed in CWP Nos.13658, 13672, 13676, 13730 of 2023 (Annexure P-21), however, the respondents have proceeded to enforce recovery from the petitioners in an arbitrary manner.

7. Learned counsel for the petitioners has further submitted that the action of the respondents in reducing the salary of the petitioners and ordering recovery is violative of Articles 14 and 16 of the Constitution of India. It is argued that service benefits already granted cannot be withdrawn retrospectively by framing or amending the Rules. It is lastly contended that the impugned actions of the



respondents are arbitrary, illegal and contrary to settled principles of law, and thus, liable to be set-aside.

8. *Per contra*, learned State counsel as well as learned counsel for respondent No.4 have opposed the submissions made by learned counsel for the petitioners and argued that the present petition is not maintainable as the petitioners are employees of a Cooperative Society registered under the Haryana Cooperative Societies Act, 1984, which is not a “State” within the meaning of Article 12 of the Constitution of India. It is further argued that service disputes of such employees are ordinarily not entertained in writ jurisdiction, unless there is clear State control or violation of any statutory or legal right. It is further submitted that the service conditions of the petitioners are governed by statutory rules, i.e. The Primary Agriculture Cooperative Societies Staff Service Primary Cooperative Credit & Service Societies Rules, 2014 and the amended Primary Agriculture Cooperative Societies Staff Service Primary Cooperative Credit & Service Societies (Second Amendment) Rules, 2017, which have been validly framed and are binding upon the petitioners.

9. Learned counsel for respondent No.4 has further submitted that once the statutory rules have come into force, the petitioners cannot claim any vested right on the basis of earlier executive instructions. The re-fixation of pay and recovery of excess amount, as ordered by the respondents vide impugned orders dated 05.12.2018 (Annexure P-17), 02.06.2023 (Annexure P-18) and impugned communication dated



26.09.2024 (Annexure P-23), have been carried out strictly in accordance with the said rules and are neither arbitrary nor illegal. It is also contended that similar writ petitions challenging the same issue have already been dismissed by this Court vide common judgment dated 13.12.2023 (Annexure P-22) passed in **CWP-14410-2023**, titled as ***Roshan Lal vs State of Haryana and others***, and other connected matters, primarily on the ground of maintainability.

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

11. In the present case, the petitioners have not been able to demonstrate that respondent/Society satisfies the tests laid down for being treated as “State” within the meaning of Article 12 of the Constitution of India. Thus, the present writ petition suffers from a serious issue of maintainability.

12. Apart from the above, it is evident from the record that the service conditions of the employees of Primary Agricultural Cooperative Societies/Primary Cooperative Credit & Service Societies have been governed by statutory rules i.e. The Primary Agriculture Cooperative Societies Staff Service Primary Cooperative Credit & Service Societies Rules, 2014 which was later on amended as the Primary Agriculture Cooperative Societies Staff Service Primary Cooperative Credit & Service Societies (Second Amendment) Rules, 2017.



13. Once the statutory rules governing the service conditions have been framed, the same override any prior executive instructions or administrative decisions. Therefore, the benefits earlier granted to the petitioners on the basis of executive instructions, as reflected in Annexures P-2 to P-7, cannot be claimed as a matter of right in the face of statutory provisions.

14. The contention raised by the petitioners regarding retrospective operation of the Rules and alleged reduction of salary also does not persuade this Court to exercise its writ jurisdiction. The issue essentially relates to service conditions and involves disputed questions regarding fixation of pay and entitlement, which are not amenable to adjudication in writ proceedings particularly in the absence of violation of any fundamental or statutory right.

15. The reliance placed by the petitioners upon interim orders passed in other writ petitions (Annexures P-19 to P-21) is misconceived as the interim orders do not confer any enforceable right. On the contrary, it is not disputed that a bunch of similar writ petitions has already been dismissed by this Court in ***Roshan Lal's case (supra)*** vide common judgment dated 13.12.2023 (Annexure P-22), primarily on the ground of maintainability. An LPA-2704-2024, titled as ***Kulbir Singh and others vs State of Haryana and others*** (Annexure P-24) has also been filed before this Court on the ground that the respondent/Society has 67% share capital of the State Government in the Primary Agricultural Cooperative Society and it also has administrative and



functional control over the same as the Chairman, Managing Director and Secretary are appointed by the State Government.

16. Moreover, the challenge of the petitioners to the order dated 05.12.2018 (Annexure P-17) is based upon Rule 5(4) contained in the Primary Agriculture Cooperative Societies Staff Service Primary Cooperative Credit & Service Societies (Second Amendment) Rules, 2017, which was adopted on 23.06.2017 (Annexure P-15). Furthermore, the question of recovery of the amount which was withdrawn by the PACS/PCCS employees after wrong fixation of their pay in illegal manner is concerned, such type of self-fixation of salary in PACS, specially against the Rules, cannot be allowed as all the Societies run under the same provision of Rules.

17. Further, the issue of maintainability is pending before the Division Bench and even if it is presumed that the present writ petition is maintainable, the petitioners have not challenged the Rules governing their salaries and as such, without laying challenge to the statutory rules i.e. The Primary Agriculture Cooperative Societies Staff Service Primary Cooperative Credit & Service Societies Rules, 2014 which was later on amended as the Primary Agriculture Cooperative Societies Staff Service Primary Cooperative Credit & Service Societies (Second Amendment) Rules, 2017, no relief can be granted to the petitioners in view of the law laid by the Division Bench of this Court in ***Dhani Ram Chaudhary vs State of Haryana and another, 2005(1) SCT 571.***



18. In view of the above discussions, this Court is of the considered opinion that the present writ petition is not maintainable and the same is hereby dismissed.

19. However, liberty is granted to the petitioners to file a fresh petition after laying challenge to the Rules *ibid*.

(HARPREET SINGH BRAR)
JUDGE

30.04.2026

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