

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

CWP No.19656 of 2016 (O&M)

MANAGING COMMITTEE OF CHANDIGARH BRANCH OF THE
NORTHERN INDIA REGIONAL COUNCIL OF ICAI AND ORS

.....Petitioners

Versus

UNION OF INDIA AND ORS

.....Respondents

1.	Date when Order was reserved	12.05.2026
2.	Date of Pronouncement of Order	29.05.2026
3.	Date of uploading order	29.05.2026
4.	Whether operative part or full order is pronounced	FULL
5.	Delay, if any, in pronouncing of full order, and reasons thereof	Not Applicable

CORAM : **HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Deepak Aggarwal, Advocate
for petitioners No.1 to 7 and 9. (through V.C.)

Mr. Anupam Gupta, Senior Advocate with
Mr. Gautam Pathania, Advocate for petitioner No.8.

Mr. Amar Vivek Aggarwal, Advocate (through V.C.) and
Ms. Sanchi Bindra, Advocate,
for respondents No.2 to 7.

DEEPAK MANCHANDA, J.

1. The present petition has been filed for challenging the impugned communications, Annexures P-6 to P-15, in the backdrop of the elections to the Managing Committee of the Chandigarh Branch held on 20.02.2016, wherein petitioners Nos.2 to 9 were elected as members of the Managing Committee for a term of three years. The election process, including counting, was conducted by a team constituted by respondents Nos.1 to 7. Thereafter, on 08.03.2016, the newly elected Managing

Committee elected its office-bearers from amongst its members. The controversy arose upon the resignation of the person elected as Chairman on 31.08.2016. Consequently, a meeting of the Managing Committee was convened on 12.09.2016, in which petitioner No.8 was elected as Chairman with effect from 12.09.2016, while the remaining office-bearers continued to hold their respective positions.

2. A perusal of the pleadings reveals that respondents Nos.1 to 7 issued communications/actions annexed with the present petition as Annexures P-6 to P-15, declining to acknowledge the resignation of the Chairman as valid and directing the Managing Committee not to consider or accept the same. The petitioners have contended that the said actions amount to unwarranted interference with the democratic functioning of the Chandigarh Branch and with the day-to-day affairs of the Managing Committee, without any authority of law. It is, therefore, their specific case that the impugned directions and communications are wholly without jurisdiction.

3. The core issue arising in the present petition pertains to the election to the posts of Chairman and Vice-Chairman of the Managing Committee of the Chandigarh Branch in the year 2016. However, a perusal of the orders passed by this Court shows that, during the pendency of the present petition, fresh elections to the Managing Committee have since been held on two subsequent occasions, in the years 2019 and 2022. It also emerges from the record that, in view of the subsequent developments and the settlement arrived at between the parties, except petitioner No.8, an application was moved seeking permission for petitioners Nos.1 to 7 and 9 to withdraw the present petition. The said fact was specifically noticed by this Court in the orders dated 18.01.2024 and 01.02.2024. The respondents

were accordingly directed to obtain instructions as to whether the show-cause notice dated 15.09.2016 issued to petitioner No.8 was still intended to be acted upon, so as to determine whether the *lis* survived for adjudication.

4. It also deserves to be noticed that, vide order dated 22.09.2016, this Court had stayed the disciplinary proceedings against petitioners Nos.2 to 9, including petitioner No.8. Thereafter, vide order dated 01.05.2017, passed in Civil Misc. Application No.6352-CWP of 2017, petitioners Nos. 1 to 7 and 9 sought permission to place on record affidavit of all the applicants, seeking withdrawal of the present petition. In paragraph 9 of the said application, it was specifically stated that the applicants/petitioners had met the respondents and that the misunderstanding between them had been resolved, whereupon the respondents assured that all necessary steps would be taken to ensure the smooth functioning of the Chandigarh Branch and that all proceedings against the applicants/petitioners would also be withdrawn. On that basis, a prayer was made for withdrawal of the petition.

5. However, a perusal of the order sheets makes it evident that, after the order dated 01.02.2024, whereby time was granted to obtain specific instructions with regard to the show-cause notice dated 15.09.2016 (Annexure P-15) issued to petitioner No.8, particularly on the question whether the same was still proposed to be acted upon and whether the *lis* continued to survive for adjudication, nothing has been placed on record by the respondents in that regard.

6. Today, learned counsel appearing on behalf of the respondents submits that they have instructions to press for taking disciplinary action against the petitioners and therefore, the *lis* needs to be decided on merits.

7. We have heard the learned counsel for the parties and have gone through the record with their able assistance.

8. The only allegation being made against the petitioners is that they were told not to accept the resignation submitted by the Chairman on 31.08.2016. It may be noticed that once a resignation has been submitted to the authority concerned, any other authority even if, the same is appellate authority, cannot give direction to accept or reject the same. The discretion to accept or reject the same is to be exercised by the competent authority who deal with such resignation, which was concededly not before anyone else but, before the executive committee of the Chandigarh Branch. In case, there was any discrepancy in accepting or rejecting the resignation, the authority concerned could have taken decision thereon but mere acceptance of a resignation which was within the jurisdiction of executive committee, the members of the executive committee cannot be proceeded against and that too to allege that the direction given by an authority, not competent to deal with the resignation, has been violated.

9. Further, even the said issue is stall now as, after the year 2016, the elections have taken place more than twice, the Executive Committee which had accepted the resignation, which is the subject-matter of the present petition is no longer in existence. Once, a decade has passed, still pressing for taking action against the petitioners shows that there was something more than what the eyes meet.

10. Further, as the petitioners are no longer the members of the executive committee and the only act performed by the petitioners was to accept the resignation given by the Chairman and acceptance of the same, cannot be treated as arbitrary or illegal or without jurisdiction. In case, there was any default in accepting or rejecting the resignation submitted by the Chairman, then action could have

been taken subsequent to such action taken by the executive committee. Hence, in the facts and circumstances of the present case, especially when a decade has already passed and twice the elections have been held thereafter, it is directed that no action be taken against the petitioners in respect of the acceptance of the resignation of the Chairman dated 31.08.2026.

11. The present petition is allowed in the above terms.
12. Miscellaneous application pending, if any, is also disposed of.

(DEEPAK MANCHANDA)
JUDGE

(HARSIMRAN SINGH SETHI)
JUDGE

29.05.2026
sandeep

Whether Speaking/Reasoned :	Yes
Whether Reportable :	No