

CWP-24403-2016 (O&M)

2026.PHHC.052367



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

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CWP-24403-2016 (O&M)
Date of decision:06.03.2026

Sukhjinder Singh

.....Petitioner

VERSUS

Additional Secretary Cooperative Department Chandigarh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. R.K. Sharma, Advocate for the petitioner.

Mr. Vikas Arora, DAG Punjab-State.

Mr. B.S. Jatana, Advocate for respondents No.5 and 6.

HARPREET SINGH BRAR, J. (Oral)

CM-2053-CWP-2026

The present application has been filed under Section 151 of CPC for placing on record the short reply to the captioned petition.

In view of the grounds mentioned in the application, the same is allowed, short reply is ordered to be taken on record.

Registry is directed to place the same at an appropriate place.

CWP-24403-2016 (O&M)

2026.PHHC.052367



CM-18990-CWP-2025

The present application has been filed under Section 151 of CPC for placing on record the reply dated 15.12.2025 along with Annexures R-5/1 to R-5/9 on behalf of respondent No.5 to the captioned petition.

In view of the grounds mentioned in the application, the same is allowed, reply dated 15.12.2025 is ordered to be taken on record along with Annexures R-5/1 to R-5/9, subject to all just exceptions.

Registry is directed to place the same at an appropriate place.

Main

1. The present petition has been filed under Articles 226/227 of the Constitution of India praying for issuance of a writ in the nature of *certiorari* for quashing the proceedings dated 28.01.2015 (Annexure P-7) of Managing Committee meeting of respondent No.5 deciding the legal notice of the petitioner being illegal, arbitrary, *mala fide* and without jurisdiction. Further praying for issuance of a writ in the nature of *mandamus* directing the respondents No.4 and 5 to pay the arrears of salary due to the petitioner from March, 2010 to October, 2012 along with interest @ 18% p.a. from the date it fell due to the petitioner in view of the orders dated 21.03.2011, 05.07.2011, 13.08.2012 and 03.09.2012 (Annexures P-1 to P-4) passed by respondents No.3, 2 and 1, respectively.

2026.PHHC.052367

**PETITIONER'S CONTENTIONS**

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner joined as Salesman with respondent No.5- Bhutal Khurd Multipurpose Cooperative Agricultural Service Society Limited since the year 1988 and was promoted to the post of Secretary in the year 1997 by the Managing Committee. Vide resolution dated 23.08.2010 passed by respondent No.5- Society service of the petitioner was terminated illegally by respondent No.5- Society without issuing any charge sheet or a show cause notice and without even holding an inquiry. The petitioner challenged his termination under Rule 15 of the Punjab State Cooperative Agricultural Service Employees Service Rules, 1997 (hereinafter referred to as 'Rules of 1997') before respondent No.3-Deputy Registrar Cooperative Societies (DRCS) on the grounds that it was passed in violation of the prescribed procedure as well as the principles of natural justice and the same was allowed vide order dated 21.03.2011 (Annexure P-1). Feeling aggrieved by the same, the respondent-Society filed a revision petition under Rule 15(2) of Rules of 1997, before respondent No.2- Joint Registrar Cooperative Societies (JRCS). Vide order dated 05.07.2011 (Annexure P-2), the JRCS dismissed the same and upheld order dated 21.03.2011 (Annexure P-1).

2.1 Learned counsel further submits that the respondent-Society, through its President i.e. respondent No.6, also filed a revision petition under

CWP-24403-2016 (O&M)

2026.PHHC.052367



Section 69 of the Punjab Cooperative Societies Act, 1961 against order dated 05.07.2011 (Annexure P-2) and order dated 21.03.2011 (Annexure P-1) before respondent No.1-Additional Secretary (Cooperation). However, the said orders (Annexure P-1 and P-2) were yet again upheld vide order dated 13.08.2012 (Annexure P3) and the matter was disposed of with a direction to take action in accordance with the applicable Service Rule. Exhibiting mala fide, respondent No.5 did not allow the petitioner to join service causing him to move CWP-4839-2013 before this Court. The said petition was disposed of with a direction to respondents No.4 and 5 to consider the claim of the petitioner and pass a speaking order in this regard. In furtherance of the same, the services of the petitioner were terminated yet again on 11.03.2013. The petitioner was subsequently reinstated vide order dated 26.02.2014 by respondent No.3-DRCS and was allowed to join service again on 07.05.2014. Learned counsel further contends that the claim of the petitioner was not adequately decided by respondent No.5-Society vide impugned resolution dated 28.01.2015 (Annexure P-7) with respect to payment of arrears of accrued to the petitioner from March, 2010 to October, 2012. Since the termination of the petitioner was set aside, he is entitled to salary for the said period. During the pendency of the present dispute, the petitioner died in harness on 26.12.2018.

3. Learned counsel for respondents No.5 and 6 submits that the present petition is premised upon order dated 26.02.2014 passed by

CWP-24403-2016 (O&M)

2026.PHHC.052367



respondent No.3, whereby the resolution dated 11.03.2013 terminating the petitioner's services was set aside; however, the said order has neither been placed on record nor relied upon in accordance with law. It is further contended that the aforesaid order dated 26.02.2014 was assailed by respondent No.5 and stood set aside vide order dated 05.01.2016, (Annexure R-5/1) whereby the matter was remanded to respondent No.3 for fresh consideration.

3.1 It is submitted that during his tenure as Secretary, the petitioner committed serious irregularities. The petitioner proceeded on deputation to Bhullan Cooperative Agriculture Societies Limited, District Sangrur, pursuant to order dated 22.10.2009; however, no resolution to this effect was passed by the Managing Committee of respondent No.5, and the petitioner failed to adhere to the prescribed procedure, rendering himself liable for disciplinary action. Consequently, disciplinary proceedings were initiated, and the petitioner was placed under suspension vide resolution dated 08.03.2010. Thereafter, charge-sheet was issued, which the petitioner refused to accept, culminating in termination of his services vide resolution dated 23.08.2010.

3.2 It is further submitted that the petitioner's appeal against the said termination was allowed; however, the revision petition preferred by the respondent-Society was dismissed vide order dated 05.07.2011 (Annexure

CWP-24403-2016 (O&M)

2026.PHHC.052367



P-2), and a subsequent revision under Section 69 was also dismissed vide order dated 13.08.2012 (Annexure P-3), *with liberty to initiate fresh disciplinary proceedings*. Pursuant thereto, fresh charge-sheet was issued and an enquiry committee was constituted on 26.11.2012. Despite due intimation, the petitioner failed to participate in the proceedings and refused to accept notices, which were thereafter published in a newspaper. Upon conclusion of enquiry, the report dated 12.02.2013 was submitted before the Managing Committee, and in the meeting held on 11.03.2013, the petitioner, having chosen not to appear, was terminated from service vide resolution dated 11.03.2013 in terms of Rule 14(ii) of the Punjab State Cooperative Agriculture Service Society Service Rules, 1997. Though the said resolution was initially set aside by respondent No.3 vide order dated 26.02.2014, the same has subsequently been set aside by respondent No.2 and the matter remanded for fresh adjudication. Accordingly, it is contended that the petitioner cannot derive any benefit from the said order, particularly when the same has neither been placed on record nor survives in the eyes of law.

4. On the previous date of hearing i.e. 13.10.2025, this Court, noticing the inordinate delay and lack of complete record, directed the Registrar, Cooperative Societies, Punjab to file an affidavit explaining the reasons for withholding material information relevant to adjudication. He was further directed to fix responsibility of the erring officials and initiate

2026.PHHC.052367



appropriate disciplinary proceedings, besides ensuring that the entire record be produced before this Court.

5. In compliance of the order passed by this Court on 13.10.2025, short reply dated 05.02.2026 by way of affidavit of Girish Dalayan, IAS, Registrar Cooperative Soceties Punjab, Chandigarh was filed. The relevant extract thereof reads as under:-

“1. That the present affidavit is being filed in compliance with the interim order dated 13.10.2025 passed by this Hon’ble Court in CWP-24403-2016.

2. That pursuant to the said order, the record of the case has been examined at the departmental level to ascertain the reason for non-progress of the proceedings after the order dated 05.01.2016 passed by the Joint Registrar, Cooperative Societies, Patiala, whereby the matter was remanded for fresh decision.

3. That as reported by the Deputy Registrar, Sangrur vide letter No.72 dated 21.01.2026 that the case remanded by Joint Registrar, Patiala was not taken up for fresh adjudication within a reasonable time and also reported about the one or more officials who are responsible for the delay due to an administrative lapse on their part.

4. That in compliance with the directions of this Hon’ble Court, directions have been issued to the Deputy Registrar, Cooperative Societies, Sangrur vide letter

2026.PHHC.052367



No.1298750/2026 dated 22.01.2026 to take up and complete the proceedings of the remanded case expeditiously, in accordance with law. That in compliance with these directions, Deputy Registrar, Cooperative Societies, Sangrur has initiated quasi-judicial proceedings in the case which was remanded back. The case is in process and will be decided in two months.

5. *That further, in compliance with the directions of this Hon'ble Court, show cause notices have been issued to the delinquent officials vide this office letter No.1302575/2026 dated 28.01.2026 and letter No.1302574/2026 dated 28.01.2026.*

6. *That it is respectfully submitted that as per the directions of the Hon'ble Court, the original record shall be presented before the Hon'ble Court on the date fixed for hearing.*

7. *That the Department holds the highest regard for the directions issued by this Hon'ble Court and submits that there was no intention at any stage to withhold any information or record from the Court. The lapse appears to be administrative in nature, for which corrective and disciplinary steps have already been set in motion."*

6. A perusal of the same reveals that the delay in adjudication of the remanded proceedings, pursuant to order dated 05.01.2016, (Annexure R-5/1) occurred due to administrative lapses on the part of the concerned officials. It has further been stated that the matter has now been taken up for consideration and quasi-judicial proceedings have been initiated. Show

CWP-24403-2016 (O&M)

2026.PHHC.052367



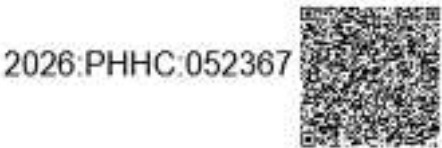
cause notices have also been issued to the delinquent officials responsible for the delay.

7. This Court cannot overlook the fact that despite the matter having been remanded as far back as in the year 2016, no effective steps were taken for nearly a decade. Such inaction reflects a lack of diligence and administrative accountability on the part of the concerned authorities. The petitioner, who has since expired, and his legal representatives have been made to suffer prolonged litigation due to the apathy of the officials.

8. In view of the statement made in paragraph 4 of the above affidavit dated 05.02.2026, wherein it has been undertaken that the remanded proceedings shall be decided expeditiously, this Court without expressing any opinion on the merits of the case, deems it appropriate to dispose of the present petition. The competent authority is directed to conclude the proceedings against the petitioner strictly within the time frame given in the aforesaid affidavit.

9. Needless to say, any deviation from the directions issued herein would entitle the petitioner to approach this court under Article 215 of the Constitution of India for initiating contempt proceedings.

CWP-24403-2016 (O&M)



10. Pending applications, if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

March 06, 2026
P.C

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No