

N.F.L. Employees (P) Cooperative Consumer Store Vs Additional Registrar (Credit) Cooperative Societies Punjab

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Sept. 11, 2000

Acts Referred: Constitution of India, 1950 " Article 226

Hon'ble Judges: S.S. Sudhalkar, J; Mehtab S. Gill, J

Bench: Division Bench

Advocate: Mr. Kapil Kakkar, for the Appellant; Mr. Anil Sharma, D.A.G. and Mr. D.V. Sharma, for the Respondent

Judgement

Mehtab S. Gill, J.

Petitioner-Society has filed a writ under Article 226 of the Constitution of India for quashing the order dated August 10,

1999 (Annexure P-3) passed by respondent No. 1 -Additional Registrar (Credit) Cooperative Societies Punjab.

3. It has been averred that vide letter dated August 9, 1993 the services of respondent No. 2 workman were terminated on account of negligence

in discharges of his duty and his involvement in financial irregularities.

4. It has been further averred that respondent No. 2-workman challenged his termination order dated August 9, 1993 before the Deputy Registrar,

Cooperative Societies. The Deputy Registrar ordered his reinstatement. Aggrieved with this order, the petitioner-Society filled an appeal before the

Joint Registrar, who upheld the order of the Deputy Registrar. As per the order of the Deputy Registrar, respondent No. 2-workman was

reinstated in service and was also paid back wages amounting to Rs. 28,900/- for the period from May, 9, 1994 to August 3, 1995. The

petitioner-Society was permitted by the Joint Registrar to hold an enquiry." Enquiry was held and respondent No. 2-workman was placed under

suspension.

5. It has been further averred that Civil Writ Petition No. 203 of 1995 was preferred by respondent No. 2-workman in the Hon"ble High Court in

which he moved Civil Miscellaneous Application No. 5516 of 1996 claiming his back wages and this Court vide order dated March 22, 1996

(Annexure P-2) directed respondent No. 2-workman to approach the Joint Registrar, where he moved an application claiming his back wages and

the Joint Registrar held that respondent No. 2-workman was entitled to back wages. The petitioner-Society filed a revision petition before

respondent No. 1 and the same was dismissed on August 10, 1999 (copy at Annexure P-3). This order has been impugned in this writ petition.

6. Notice of motion was issued to the respondents. Respondent No. 2 filed his written statement wherein a preliminary objection was taken that

the impugned orders have not been annexed with the writ petition and this petition is liable to be dismissed on this score alone.

7. We have heard learned counsel for the parties and perused the writ petition and the annexures attached with it.

8. During the course of arguments and going through the petition and the annexures, it has come out that respondent No. 2-workman was

dismissed from service on August 9, 1993, without issuing any charge-sheet or holding an enquiry. He filed an appeal against the order of his

termination dated August 9, 1993 before the Deputy Registrar, Cooperative Societies, Bathinda, who allowed the same vide his order dated

March 11, 1994 and set aside the order dated August 9, 1993 and ordered his reinstatement. The petitioner-Society filed an appeal against the

order dated March 11, 1994 passed by the Deputy Registrar before the Joint Registrar, Cooperative Societies, Ferozepur, who vide his order

dated June 5, 1995 dismissed the same.

9. Against the order dated June 5, 1995 passed by the Joint Registrar, the petitioner-Society filed a revision petition u/s 69 of the Punjab

Cooperative Societies Act, 1961, but the same was dismissed vide order dated September 26, 1996 of the Joint Secretary, Cooperation

(Appeals), Punjab. This fact has been concealed from the Court. These orders were never challenged by the petitioner-Society in this Court and

the reinstatement of respondent No. 2 in service has, thus become final. Once dismissal order dated August 9, 1993 of the respondent is set aside

by the Deputy Registrar Cooperative Societies, Bathinda vide order dated March 11, 1994, he became entitled to back wages. We find no

infirmity in the order dated June 28, 1996 passed by the Joint Registrar, Cooperative Societies, Ferozepur Division, Ferozepur and the order

dated August 10, 1999 (Annexure P-3) passed in revision by respondent No. 2 directing the petitioner-Society to pay the back wages to

respondent No. 2.

For the-reasons recorded above, the petition being without merit, is dismissed.

10. Petition dismissed.