

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 3619 of 2005

Date of Decision: 30.04.2007

The Bathinda Housing Complex, Cooperative House Building
Society Limited, Dabwali Road, Bathinda.

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Anureet S. Sidhu, Advocate,
for the petitioner.

Mr. S.S. Bhinder, Advocate,
for respondent No. 3.

JUDGMENT

M.M. KUMAR, J. (Oral)

The order dated 6.12.2004 (P-1), passed by the Revisional Authority-cum-Joint Registrar, Cooperative Societies, is the subject matter of challenge in this petition. According to the findings recorded by the Revisional Authority, the appeal of respondent No. 3 before the Deputy Registrar was within time and it was illegally dismissed on the ground of limitation. It has further been concluded that no proper procedure was adopted by the petitioner before passing the order of termination of the services of

respondent No. 3. Copies of the charge sheet or inquiry report have not been attached nor any copy of the reply was filed before the Revisional Authority. It also remained unsubstantiated that any show cause notice before terminating the services of respondent No. 3 was issued. All the aforementioned findings have been considered to prove that neither any charge sheet was issued nor any inquiry was conducted. Accordingly, the order dated 30.12.2003, passed by the Deputy Registrar as well as the resolution passed by the petitioner Society on 6.4.2003, terminating the services of respondent No. 3 have been set aside with a direction to the petitioner to reinstate respondent No. 3 on his post along with continuity of service and all other consequential benefits. However, respondent No. 3 has not been held entitled to payment of back wages by keeping in view the fact that he did not work for the petitioner Society during that period.

After hearing learned counsel for the parties at some length, we are of the view that no interference of this Court is called for because it has not been shown to us that the findings recorded by the Joint Registrar-cum-Revisional Authority suffer from any legal infirmity or fair proper procedure was adopted before terminating the services of respondent No. 3. We are satisfied that the order of termination is a result of haste and has been passed after bye-passing the procedure, which is the minimum protection afforded to the employee. Therefore, we uphold the impugned order dated 6.12.2004 (P-1).

However, we accept the prayer made by the learned counsel for the petitioner Society that it may be permitted to proceed afresh against respondent No. 3 in accordance with law. We further direct that respondent No. 3 shall be permitted by the petitioner Society to join his duties within two weeks from today i.e. on or before 15.5.2007.

The petition stands disposed of in the above terms.

(M.M. KUMAR)
JUDGE

April 30, 2007
Pkapoor

(RAJESH BINDAL)
JUDGE