



CWP-14448-2025 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-14448-2025 (O&M)
Date of Decision: 17.07.2025

Virender Singh and another

...Petitioners

Versus

State of Haryana and others

...Respondents

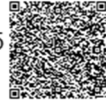
CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Sanjiv Gupta, Advocate for the petitioners
Mr. Raman Sharma, Additional Advocate General, Haryana
Mr. Madan Pal, Advocate for respondent No.7

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of order dated 17.04.2025 (Annexure P-7) whereby Assistant Registrar, Cooperative Societies, Kaithal has recalled order dated 17.03.2025 (Annexure P-5) passed by his predecessor.

2. Respondent No.7-Bhunsla Primary Agriculture Cooperative Society, Bhunsla (for short '**Society**') made appointment of petitioners on temporary basis. They were appointed as Peon/Chowkidar. The appointment was made in 2019. A dispute erupted with respect to legality of their appointment. The matter reached to Additional Registrar, Cooperative Societies (General), Haryana who vide order dated 16.02.2024 (Annexure P-



1) declared that appointment of the petitioners was illegal and ab-initio void.

The operative portion of order dated 16.02.2024 read as: -

“In view of the above discussion, it is/clear that mockery of law has been made by Sh. Gurmel Singh and the managing committee members not only by violating the provisions of Act, Rules and Service Rules but also by committing forgery in making these recruitments. Therefore, the resolution dated 24.01.2019 is ab-initio void and it is set aside. The impugned order dated 08.04.2021 has been passed by the then DRCS, Kurukshetra without application of mind and proper examination, which is also set aside. Accordingly, the appointments of respondent no.4 and 5 are declared illegal and ab-initio void. ARCS, Kaithal is directed to implement the order and take action against all guilty persons as enumerated in the preceding paras.

Further, the act of Sh. Gurmel Singh and the managing committee members attracts criminal action against them. Therefore, ARCS, Kaithal is also directed to prepare a case with complete details for sending it to Police Station for registering an FIR against the culprits after taking the whole record in his custody. The decision is announced on 16.02.2024. All parties be informed and copy of the order be communicated for necessary compliance.”

3. The aforesaid order came to be assailed before the Government. The matter came up for consideration before Special Secretary to Government of Haryana. The said authority vide order dated 22.01.2025 (Annexure P-4) remanded the matter back to lower authorities to re-examine the matter. The operative portion of order dated 22.01.2025 reads as: -

“I have gone through the pleadings made by the parties and have perused the record. I have given my thoughtful consideration to the submission made by the parties.



A perusal of record shows that the resolution passed by the society was set aside for not following certain service rules and bye laws in making the appointments.

The issue concerned in this matter is whether in making the appointments of the petitioners, the process as per law was followed by the respondent society including qualification adhering to transparency, rules and regulations.

In view of above, without interfering in the order dated 16.02.2024 passed by the Addl. RCS, Haryana, the ARCS, Kaithal is directed to review the appointments and to ensure that these appointments are strictly as per the rules and regulations governing the society and take decision to retain or remove these employees as per due process of law.

Present Revision Petition is disposed of in above said terms.

Pending applications are also disposed of accordingly.

Order was kept reserved on 23.10.2024 and the same is pronounced today i.e. 22.01.2025 in open Court.

File be consigned to the record room after due compliance.”

4. Pursuant to aforesaid order, the respondent-Society constituted a committee which formed an opinion that petitioners have been appointed on temporary basis and their performance is upto the mark. Their services are indispensable. On the basis of report of the committee, Assistant Registrar, Cooperative Societies, Kaithal vide order dated 17.03.2025 approved appointment of the petitioners. He held that appointment of the petitioners is in the interest of society, public and farmers. The relevant extracts of order dated 17.03.2025 read as: -

“Hence, after the perusal of the aforementioned reports I have reached to this conclusion that at present in the Society three officials (Parbandhak, Clerk) are appointed.

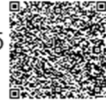


The facilities given by the Government from time to time such as Jan Osdhi Kendra, Gas Agency, Petroleum Pipe Line, Computerization etc. and for implementing the same and in the interest of Society and public, farmer's interest and for smooth working of the Society, it will be appropriate to keep the temporary appointment as it is made by the Society.”

5. The successor of aforesaid Assistant Registrar, Cooperative Societies, Kaithal decided to recall order of his predecessor. By impugned order, he has held that there are infirmities in the order passed by his predecessor, thus, said order deserves to be recalled. Accordingly, he recalled order dated 17.03.2025 passed by his predecessor.

6. On being asked, learned State counsel expressed his inability to point out any statutory provision or Bye-Law/Rule which permits the Assistant Registrar to recall his own order or order passed by his predecessor. He further submits that appeal lies before Registrar, Cooperative Societies, Haryana against order of Assistant Registrar, Cooperative Societies, thus, respondent may be granted liberty to file appeal against order dated 17.03.2025 passed by Assistant Registrar, Cooperative Societies, Kaithal.

7. It is settled proposition of law that in the absence of specific provision, quasi-judicial authorities cannot exercise power of review or revision. In the case in hand, the Assistant Registrar, Cooperative Societies, Kaithal has recalled order of his predecessor. In the absence of any specific provision, he had no power to recall order of his predecessor, thus, impugned order is bad in the eye of law. It deserves to be set aside and accordingly set aside. The respondent is at liberty to prefer an appeal before Appellate Authority against order dated 17.03.2025 passed by Assistant



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Registrar, Cooperative Societies, Kaithal. In the event such appeal is filed within 30 days from today, the Appellate Authority shall consider question of limitation, if raised by respondent, sympathetically.

8. Pending application(s), if any, shall stand disposed of.

**(JAGMOHAN BANSAL)
JUDGE**

17.07.2025
Mohit Kumar

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