

2025:PHHC:092040



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

COCP-2786-2023 (O&M)
Decided on:-24.07.2025

Pardeep Kumar

....Petitioner..

vs.

Gurvir Singh Dhillon, Deputy Registrar,
Cooperative Societies, SAS Nagar (Mohali)
and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Iqbal Singh Saggu, Advocate with
Mr. Tejveer Singh Saggu, Advocate for the petitioner.

Mr. Gunjan Mehta, Addl. A.G., Punjab,
for respondents No.1 & 2.

Mr. Harsh Chopra, Advocate for respondent No.3.

HARKESH MANUJA J. (Oral)

1. By way of present petition, prayer has been made for initiation of contempt proceedings against respondents for the alleged willful non-compliance of order dated 28.03.2023 passed by the Writ Court. The operative part of the aforesaid order is reproduced hereunder:-

“5. Finding it to be fair request, I deem it appropriate to dispose off the present writ petition with direction to respondent No.3 to decide legal notice served at the behest of the petitioner (P-7) within a period of six weeks from the date of receipt of certified copy of the order. In case, the petitioner is held to be entitled, respondent No.6 is further directed to pay the amount within further period of six weeks.

6. *Ordered accordingly.*”

2. In pursuance thereof, a speaking order dated 29.05.2023 came to be passed by the Deputy Registrar, Cooperative Societies, SAS Nagar. The operative part thereof is extracted hereunder:-

“After examining the record and statements of both the parties, I have arrived at the conclusion that the pre-audit of the retirement dues payable to Sh. Pardeep Kumar, Ex-Secretary be got conducted by the managing committee of the society immediately after getting the pre-audit conducted, the amount be paid within a period of 06 weeks and the compliance of the orders of the Hon’ble Punjab and Haryana High Court be ensured. Apart from this, the payment of the balance salary of Sh. Pardeep Kumar, Secretary amounting to Rs.1,58,007/- as per the Audit Note dated 31.03.2021 be ensured. Sh. Pardeep Kumar, Ex. Secretary is directed any remaining record of the society, which is with him be handed over to the society immediately and get the receipt and also cooperate with the society in this work so that the orders of the Hon’ble Punjab and Haryana High Court be complied with in time. If the managing committee of the society does not make the payment of dues of the employee within time then the society is liable to pay interest @6% on this amount.

One copy of this order is sent to Sh. Pardeep Kumar Ex. Secretary of the Badala Multipurpose Cooperative Agricultural Society Ltd. Badala for information and to the Secretary of the Society for immediate compliance of this order.”

3. Learned counsel for the petitioner submits that though the petitioner has been granted the arrears of salary amounting to Rs.1,58,007/-, however, the retiral benefits have not been released to the petitioner and thus, the respondents are liable to be proceeded further in the present contempt petition.

4. On the other hand, learned State counsel as well as counsel representing the respondent-society submit that the needful could not be done for want of complete records being not provided by the petitioner and thus, there was no willful non-compliance of the order passed by the Writ Court on the part of the respondents.

5. I have heard learned counsel for the parties and gone through the paper book.

6. A perusal of Writ Court order shows that the direction issued to the respondents was to decide the representation, which already stands adjudicated upon by passing a speaking order dated 29.05.2023 by the Deputy Registrar, Cooperative Societies, SAS Nagar, wherein, it has been clarified that the terminal benefits of the petitioner could only be released upon audit by the concerned department, however, consistent stand taken by the respondents has been that the complete record has not been handed over to them and thus, the benefits could not be released.

7. In view of the aforesaid disputed facts with respect to the handing over of the service record by the petitioner to the respondents, it may not be appropriate to proceed further in the contempt jurisdiction, once speaking order upon the representation made by the petitioner stands passed.

8. Accordingly, the present petition stands disposed of. However, the petitioner shall be at liberty to avail his remedies in accordance with law. Rule stands discharged.

9. Pending applications, if any, also stand disposed of.

24.07.2025

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No