



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

**CWP No. 6735-2000(O&M)
Date of Decision: 26.05.2025**

Om Parkash and others

....Petitioners

vs.

Haryana Seeds Development Corporation Limited and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. R.S.Kundu, Advocate
for the petitioners

Ms. Rajni Gupta, Advocate
for respondents No. 1, 2 and 4

Mr. Raman Sharma, Addl. A.G., Haryana

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 26.03.1999 whereby Respondent-Haryana Seeds Development Corporation Limited (in short "Respondent-Corporation") has refused to grant incentive @ Rs. 50/- per quintal.

2. The petitioners are working as Salesmen and Marketing Assistants with different Sales Centres of Respondent-Corporation. They are claiming that as per decision dated 02.12.1997, the Respondent-Corporation was bound to grant incentive @ Rs. 50/- per quintal. The Respondent-Corporation reduced rates of wheat seeds to encourage sale of



wheat seeds lying in stock. The Respondent-Corporation vide letter dated 01.12.1997 decided to give incentive of Rs. 50/- per quintal to Marketing staff. The Respondent-Corporation vide letter dated 26.03.1999 formed an opinion that incentive was not approved by Board of Directors, thus, withdrew earlier letter dated 01.12.1997.

3. Mr. R.S.Kundu, Advocate submits that there was meeting of Board of Directors on 02.12.1997 which was presided over by Commissioner and Secretary Agriculture. In the said meeting, it was decided that Respondent-Corporation would reduce sale price of certified seeds of wheat and pay incentive to Salesmen so that sale could further be promoted and stock liquidated. The Meeting was of Board of Directors, thus, there was no question of separate Resolution by Board of Directors. If the said meeting was not of Board of Directors, then what was the nature of the said meeting.

4. Per contra, Ms. Rajni Gupta, counsel for the Respondent-Corporation submits that Meeting dated 01.12.1997 was not meeting of Board of Directors whereas Board of Directors in its Meeting held on 26.03.1999 specifically resolved and clarified that it was never decided that incentive would be paid to Marketing staff.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. From the perusal of Minutes of Meeting held on 02.12.1997, it is evident that it was Chaired by Commissioner and Secretary Agriculture who is also Chairman of the Respondent-Corporation. The said Meeting was not Meeting of Board of Directors. It was Meeting of Chairman of



Respondent-Corporation with representative of different organisations like HARCO, HAFED, Cooperative Bank etc. The said fact is evident from contents of the Minutes wherein it is specifically noted that representative of institutional agencies informed that stock already shifted could not be sold by them. From the list of participants, it is further evident that they were representatives of different organisations and not Directors of the respondent-Corporation. The Minutes of the Meeting dated 26.03.1999 makes it clear that there are three Directors apart from Chairman of the respondent-Corporation. The Directors in their Meeting have specifically resolved that they had never approved incentive to Marketing staff for the sale of liquidated stock.

7. In the wake of afore-stated facts and circumstances, this Court is of the considered opinion that Board of Directors which is the highest body of the Respondent-Corporation never decided to grant incentive to its Marketing staff for increase of sale of wheat seed. In the absence of particular resolution of Board of Directors, this Court has no authority to direct Respondent-Corporation to grant incentive to the Marketing staff.

8. In view of the above discussion and findings, the instant petition deserves to be dismissed and accordingly hereby dismissed.

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

(JAGMOHAN BANSAL)
JUDGE

26.05.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	