

2025:PHHC:094813-DB



S. No.202

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

LPA No.1259 of 2024 (O&M)

Date of Decision:29.07.2025

Gaurav Mehla and others

.....Appellants

Vs.

State of Haryana and others

.....Respondents

**CORAM:- HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present:- Mr. Sanjeev Sharma, Senior Advocate with
Mr. Sandeep Singh, Advocate for the appellants.

Ms. Neha Awasthi, Addl. AG, Haryana.

Mr. M.S. Kathuria, Advocate for respondents
No.4 and 5.

Ms. Vivek Goyal, Advocate for respondent no.6.

Mr. Rahul Chauhan, Advocate for respondent
No.7.

ASHWANI KUMAR MISHRA, J. (Oral)

This Letters Patent Appeal is directed against judgment and order passed by the learned Single Judge on 22.04.2024, in CWP No.23148 of 2017(O&M). The claim of appellants for appointment has been negated by the learned Single Judge after referring to the statutory rules which regulated the conditions of service.

2. Rule 3 which regulates the appointment has been amended on 31.01.2011. The amended Rule 3 reads as under:-

“Powers to make appointment shall vest with the B.O.D./B.O.A of the society. Further provided that decision for appointment to various



categories of service shall be taken in the meeting in which the presence and concurrence of concerned Assistant Registrar, Inspector Coop. Societies & Distt. Manager, Hafed, shall be compulsory. Any addition, alteration or amendment in the service rules will be subject to prior approval of Registrar Coop. Societies Haryana.”

3. Learned Single Judge has rejected the appellants' claim for appointment after noticing the fact that the three officers, whose presence was compulsory at the time of making of appointment were not present and, therefore, the appointment itself was not made by the competent body specified in the rules. The resolution passed by the Committee of Management to delegate the powers of recruitment to an authority other than the authority specified in Rule 3 has not been accepted by the learned Single Judge. In such circumstances, the appointment offered to the petitioners has not been protected. Learned Single Judge, however, has observed that as and when the respondents proceed to make fresh appointment in accordance with the rules, it would be open for the petitioners also to participate in accordance with law.

4. The delegated authority, i.e. Sub Committee is stated to have made some recommendations for offering appointment to the appellants to the Board of Directors. The Board of Directors approved such recommendations. This, however, has not found favour with the learned Single Judge inasmuch as the recommendation to constitute Sub Committee as well as its recommendation was contemplated under the Amended Rule 3.



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5. Law is settled that appointment can be offered only in accordance with the applicable statute which regulates such appointment. Applicability of rules for the recruitment to the Society is not disputed. Once that be the position, we do not find any occasion to interfere with the judgment of the learned Single Judge inasmuch as the appointment offered to the appellants was not by the competent body. Mere making of any recommendation by the Sub Committee or its affirmation by the Board of Directors will not be of any consequence inasmuch as in the hierarchy of decisions, it would be the statutory rule which will have to prevail. The submission of learned counsel for the appellant that the appellants have now become overage has already been taken into consideration by granting liberty to the appellants to participate in the recruitment process. Since the appellants were appointed in the year 2014 and they have continued in service till the dismissal of their writ petition, we provide that the respondents will allow age relaxation to the appellants as and when the fresh recruitment is undertaken in terms of the observations made hereinabove.

6. Subject to the observations made above, this appeal is disposed of.

**(ASHWANI KUMAR MISHRA)
JUDGE**

**(KULDEEP TIWARI)
JUDGE**

July 29, 2025

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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No