2026:PHHC:018348

243 (3 cases)

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Date of decision: 19.01.2026

1. CWP-29017-2025

SATBIR SINGH AND ANOTHER ....Petitioners

Versus

STATE OF HARYANA AND OTHERS ....Respondents

2. CWP-30703-2025 (O&M)

SATBIR SINGH …Petitioner

Versus

STATE OF HARYANA AND OTHERS ....Respondents

3. CWP-30856-2025

SATBIR SINGH ….Petitioner

Versus

STATE OF HARYANA AND OTHERS ....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr.A.P.S. Sandhu, Advocate with
Mr. Ashish Kaushik, Advocate
for the petitioner(s).

Mr. Balraj Singh Rathee, Advocate
for the applicant in CM-16112-CWP-2025 in
CWP-3073-2025.

Mr. Saurabh Girdhar, Asstt.A.G., Haryana.

****

HARPREET SINGH BRAR, J (Oral):

::: Downloaded on - 18-02-2026 11:38:29 :::

2026:PHHC:018348

CM-16112-2025 in CWP-30703-2025

1. This is an application filed under Order 1 Rule 10 of CPC read with Section 151 of CPC moved by Vineet Kumar-applicant for impleading him as respondent No.6 in the present case.

2. Learned counsel for the applicant submits that the applicant is the complainant who filed a complaint dated 25.10.2024 (Annexure A-8) pertaining to two tenders (Annexures A-1 and A-2), pursuant to which legal action has been initiated against the petitioner and M.D. Sugar Mills. Aggrieved thereby, the petitioner has filed the present writ petition. It is further submitted that the applicant, having exposed the irregularities in the Sugar Mill, wherein Charge No. 3 specifically pertains to one of the aforementioned tenders. Therefore, the applicant is a necessary party and is required to be impleaded in the present writ petition, as the outcome thereof shall have a direct bearing on the disciplinary proceedings pending against him pursuant to the charge-sheet dated 18.11.2024 (Annexure A-9). Consequently, being an affected party, the applicant is entitled to be impleaded as a respondent in the present petition.

3. The reply filed by the petitioner is taken on record. Registry is directed to tag the same at an appropriate place. Learned counsel for the petitioner submits that the petitioner, being the *dominus litis*, is entitled to conduct and control the proceedings, and that the role of the applicant was merely that of a whistleblower, who neither possesses any personal knowledge nor holds any record pertaining to the subject matter. The applicant's role was confined solely to bringing the alleged irregularities to the notice of the competent authority. Learned counsel for the petitioner places his reliance upon

::: Downloaded on - 18-02-2026 11:38:30 :::

the judgment rendered by the Hon'ble Supreme Court in ***Om Parkash jaiswal vs. D.K Mittal 2000 (3) SCC 171*** and by a coordinate bench of Delhi High Court in ***Asma Parveen vs. Municipal Council of Delhi 2025 NCDHC 651***.

4. Having heard the learned counsel for the applicant as well as petitioner(s) and after perusing the records, it transpires that it is imperative to examine the threshold issue of *locus standi*, particularly in the context of service jurisprudence, where the contours of maintainability are well-defined and narrowly circumscribed. The law consistently mandates that service disputes are essentially personal and individual in character, and therefore, only a person directly and substantially aggrieved by the impugned action is entitled to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution. Any dilution of this settled principle would not only distort the framework of service law but also open the floodgates to meddlesome, motivated, and speculative litigation.

5. A Two Judge Bench of the Hon'ble Supreme Court in ***Ravi Yashwant Bhoir v. The Collector, District Raigad 2012 INSC 126***, while speaking through Dr. Justice B.S. Chauhan made the following observation:-

> *44. Shri Chintaman Raghunath Gharat, Ex-President* ***was the complainant, thus, at the most, he could lead the evidence as a witness. He could not claim the status of an adversial litigant. The complainant cannot be the party to the lis.*** *A legal right is an averment of entitlement arising out of law. In fact, it is a benefit conferred upon a person by the rule of law. Thus, a person who suffers from legal injury can only challenge the act or omission. There may be some harm or loss that may not be wrongful in the eyes of law because it may not result in injury to a legal right or legally protected interest of the complainant but juridically harm of this description is called damnum sine injuria.* ***The complainant has to establish that he has been deprived of or denied of a legal right and he has sustained injury to any legally protected interest.***

::: Downloaded on - 18-02-2026 11:38:30 :::

2026:PHHC:018348

> ***In case he has no legal peg for a justiciable claim to hang on, he cannot be heard as a party in a lis. A fanciful or sentimental grievance may not be sufficient to confer a locus standi to sue upon the individual. There must be injuria or a legal grievance which can be appreciated and not a state propration valuntas reasons i.e. a claim devoid of reasons.*** *Under the garb of being necessary party, a person cannot be permitted to make a case as that of general public interest.* ***A person having a remote interest cannot be permitted to become a party in the lis, as the person wants to become a party in a case, has to establish that he has a proprietary right which has been or is threatened to be violated, for the reason that a legal injury creates a remedial right in the injured person. A person cannot be heard as a party unless he answers the description of aggrieved party.*** *(Vide:* ***Adi Pherozshah Gandhi v. H.M. Seervai, Advocate General of Maharashtra, AIR 1971 Supreme Court 385.; Jasbhai Motibhai Desai v. Roshan Kumar, Haji Bashir Ahmed and Ors., AIR 1976 Supreme Court 578.; Maharaj Singh v. State of Uttar Pradesh and Ors., AIR 1976 Supreme Court 2602.; Ghulam Qadir v. Special Tribunal and Ors., (2002) 1 SCC 33; and Kabushiki Kaisha Toshiba v. Tosiba Appliances Company and Ors., (2008) 10 SCC 766****). The High Court failed to appreciate that it was a case of political rivalry. The case of the appellant has not been considered in correct perspective at all.*

6. A Three Judge bench of the Hon'ble Supreme Court in ***R.K. Jain v. Union of India, 1993 INSC 204*** while speaking through Justice K. Ramaswamy observed as under :-

> *"75. Sri Harish Chander, admittedly was the Sr. Vice President at the relevant time. The contention of Sri Thakur of the need to evaluate the comparative merits of Mr. Harish Chander and Mr. Kalyansundaram a seniormost Member for appointment as President would not be gone into in a public interest litigation. Only in a proceedings initiated by an aggrieved person it may be open to be considered. This writ petition is also not a writ of quo-warranto.* ***In service jurisprudence it is settled law that it is for the aggrieved person i.e. non-appointee to assail the legality of the offending action. Third party has no locus standi to canvass the legality or correctness of the action.*** *Only public law declaration would be made at the behest of the petitioner, a public spirited person."*

::: Downloaded on - 18-02-2026 11:38:30 :::

2026:PHHC:018348

7. A Three Judge bench of the Hon'ble Supreme Court in ***Jasbhai Motibhai Desai v. Roshan Kumar 1975 INSC 333***, while speaking through Justice Sarkarai made the following observation:-

> *33. This Court has laid down in a number of decisions that* ***in order to have the locus standi to invoke the extraordinary jurisdiction under Article 226, an applicant should ordinarily be one who has a personal or individual right in the subject-matter of the application,*** *though in the case of some of the writs like habeas corpus or quo warranto this rule is relaxed or modified. In other words, as a general rule,* ***infringement of some legal right or prejudice to some legal interest inhering in the petitioner is necessary to give him a locus standi in the matter****-(See* ***State of Orissa v. Madan Gopal, 1952 SCR 28; Calcutta Gas Co. v. State of West Bengal, 1962 Supp 1 SCR 1; Ram Umeshwari Suthoo v. Member, Board of Revenue Orissa, (1967) 1 SCA 413; Gadda Venkateshwara Rao v. Government of Andhra Pradesh, AIR 1966 Supreme Court 828; State of Orissa v. Rajasaheb Chandanmall, AIR 1972 Supreme Court 2112; Dr. Satyanarayana Sinha v. M/s. S. Lal and Co., AIR 1973 Supreme Court 2720.****)*
>
> ***39.*** *To distinguish such applicants from "strangers", among them, some broad tests may be deduced from the conspectus made above. These tests are not absolute and ultimate. Their efficacy varies according to the circumstances of the case, including the statutory context in which the matter falls to be considered. These are:* ***Whether the applicant is a person whose legal right has been infringed? Has he suffered a legal wrong or injury, in the sense, that his interest, recognised by law, has been prejudicially and directly affected by the act or omission of the authority, complained of? Is he a person who has suffered a legal grievance, a person "against whom a decision has been pronounced which has wrongfully deprived him of something or wrongfully refused him something, or wrongfully affected his title to something?" Has he a special and substantial grievance of his own beyond some grievance or inconvenience suffered by him in common with the rest of the public? Was he entitled to object and be heard by the authority before it took the impugned action? If so, was he prejudicially affected in the exercise of that right by the act of usurpation of jurisdiction on the part of the authority? Is the***

::: Downloaded on - 18-02-2026 11:38:30 :::

2026:PHHC:018348

> ***statute, in the context of which the scope of the words "person aggrieved" is being considered, a social welfare measure designed to lay down ethical or professional standards of conduct for the community? Or is it a statute dealing with private rights of particular individuals?***"

8. In the case of ***R. v. London Country Keepers of the Peace of Justice, (1890) 25 QBD 357***, the Court has held:

> *"A person who cannot succeed in getting a conviction against another may be annoyed by the said findings. He may also feel that what he thought to be a breach of law was wrongly held to be not a breach of law by the Magistrate.*
>
> *He thus may be said to be a person annoyed but not a person aggrieved, entitle to prefer an appeal against such order."*

9. A Two Judge Bench of the Hon'ble Supreme Court in ***Ayaaubkhan Noorkhan Pathan v. State of Maharashtra 2012 INSC 512*** while speaking through Dr. Justice B.S Chauhan observed :-

> *"7.It is a settled legal proposition that* ***a stranger cannot be permitted to meddle in any proceeding, unless he satisfies the Authority/Court, that he falls within the category of aggrieved persons.***
>
> ***Only a person who has suffered, or suffers from legal injury can challenge the act/action/order etc. in a court of law.*** *A writ petition under Article 226 of the Constitution is maintainable either for the purpose of enforcing a statutory or legal right, or when there is a complaint by the appellant that there has been a breach of statutory duty on the part of the Authorities.* ***Therefore, there must be a judicially enforceable right available for enforcement, on the basis of which writ jurisdiction is resorted to.*** *The Court can of course, enforce the performance of a statutory duty by a public body, using its writ jurisdiction at the behest of a person, provided that such person satisfies the Court that he has a legal right to insist on such performance.* ***The existence of such right is a condition precedent for invoking the writ jurisdiction of the courts.*** *It is implicit in the exercise of such extraordinary jurisdiction that, the relief prayed for must be one to enforce a legal*

::: Downloaded on - 18-02-2026 11:38:30 :::

right. Infact, the existence of such right, is the foundation of the exercise of the said jurisdiction by the Court. ***The legal right that can be enforced must ordinarily be the right of the appellant himself, who complains of infraction of such right and approaches the Court for relief as regards the same.*** *(Vide :* ***State of Orissa v. Madan Gopal Rungta, AIR 1952 Supreme Court 12; Saghir Ahmad & Anr. v. State of U.P., AIR 1954 Supreme Court 728; Calcutta Gas Company (Proprietary) Ltd. v. State of West Bengal & Ors., AIR 1962 Supreme Court 1044; Rajendra Singh v. State of Madhya Pradesh, 1996(3) RCR (Civil) 565 : AIR 1996 Supreme Court 2736; and Tamilnadu Mercantile Bank Shareholders Welfare Association (2) v. S.C. Sekar & Ors., (2009) 2 SCC 784****).*

8. A "legal right" , means an entitlement arising out of legal rules. Thus, it may be defined as an advantage, or a benefit conferred upon a person by the rule of law. The Expression, ***"person aggrieved" does not include a person who suffers from a psychological or an imaginary injury; a person aggrieved must therefore, necessarily be one, whose right or interest has been adversely affected or jeopardised.*** *(Vide:* ***Shanti Kumar R. Chanji v. Home Insurance Co. of New York, AIR 1974 Supreme Court 1719 : 1974 2 SCC 387; and State of Rajasthan & Ors. v. Union of India & Ors., AIR 1977 Supreme Court 1361 : 1977 3 SCC 592.)***

22. Thus, from the above it is evident that under ordinary circumstances, ***a third person, having no concern with the case at hand, cannot claim to have any locus-standi to raise any grievance whatsoever.*** *However, in the exceptional circumstances as referred to above, if the actual persons aggrieved, because of ignorance, illiteracy, in articulation or poverty, are unable to approach the court, and a person, who has no personal agenda, or object, in relation to which, he can grind his own axe, approaches the court, then the court may examine the issue and in exceptional circumstances, even if his bona fides are doubted, but the issue raised by him, in the opinion of the court, requires consideration, the court may proceed suo- motu, in such respect."*

10. The existence of a legal right is the *sine qua non* for invoking the writ jurisdiction of constitutional courts under Article 226. A person cannot be

::: Downloaded on - 18-02-2026 11:38:30 :::

heard as a party unless they qualify as an "aggrieved person," which requires demonstration of a particularized legal injury or prejudice to an interest distinct from that of the general public. The mere desire that the law be properly administered, or a generalized concern regarding illegality, does not confer *locus standi*. The petitioner must establish that they have been deprived of or denied a legal right, and that such deprivation constitutes an injury to a legally protected interest personal to them. Without this legal peg upon which to hang a justiciable claim, the court lacks the jurisdictional foundation to entertain the grievance. Reliance in this regard may also be placed upon the judgement rendered by the Hon'ble Supreme Court in ***Utkal University v. Dr. Nrusingha Charan Sarangi, AIR 1999 SC 943.***

11. The foundational principle governing *locus standi*, particularly in service jurisprudence, is that only a person who has suffered a legal injury can maintain an action before a court of law. A "legal right" is an entitlement or benefit conferred upon a person by the rule of law, and the existence of such a right is a condition precedent for invoking writ jurisdiction under Article 226 of the Constitution. Mere harm, annoyance, or sentimental grievance, termed damnum sine injuria, does not confer the status of an "aggrieved person." To be considered aggrieved, an individual must demonstrate that they have been deprived of a legal right or that their legally protected interest has been adversely affected or jeopardized. A person having merely a remote or tenuous interest, or who initiates litigation driven by personal animosity, or even one who professes to act in public interest as a self-styled vigilant, cannot claim *locus standi*, as they lack the "legal peg" upon which a justiciable claim can be hung.

::: Downloaded on - 18-02-2026 11:38:30 :::

12. A stranger to the *lis*, one who has no proprietary or particular interest in the subject matter of the dispute is strictly prohibited from meddling in judicial proceedings. In service jurisprudence, it is settled law that the legality of an appointment, promotion, or disciplinary action can only be assailed by the person directly aggrieved, such as the non-appointee or the punished employee. A third party, including a complainant or whistleblower, has no *locus standi* to canvass the correctness of service actions. Such a person may at best lead evidence as a witness, but cannot assume the status of an adversarial litigant.

13. The whistleblower/complainant, despite having exposed irregularities, remains a stranger to the employer-employee *lis* and cannot be permitted to become a party to the proceedings.

14. In view of the above, the present application stands dismissed.

Main cases

15. This order of mine shall dispose of the above-mentioned writ petitions as they arise from a similar factual matrix. However, for the sake of brevity, the facts are taken from **CWP-29017-2025.**

16. The present civil writ petition under Articles 226/227 of the Constitution of India has been filed seeking the issuance of a writ in the nature of certiorari to quash the order dated 21.05.2025 (Annexure P-6) passed by respondent no.3, the Chairman of the Board of Directors of The Shahbad Cooperative Sugar Mill Limited, along with all consequential proceedings arising therefrom arising out of the impugned order which is arbitrary, violates the principles of natural justice, and exceeds the statutory powers of the Chairman under the Haryana Cooperative Societies Act and Rules.

::: Downloaded on - 18-02-2026 11:38:30 :::

2026:PHHC:018348

17. Learned counsel for the petitioners *inter alia* contends that the impugned order dated 21.05.2025 suffers from multiple fatal legal infirmities that render it completely unsustainable. He contends, first and foremost, that the order is without jurisdiction and represents a colourable exercise of power. Under the statutory scheme of the Haryana Cooperative Societies Act and the Bye-laws of the Mill, the Chairman of the Board of Directors functions merely as the presiding officer of a collective body. He possesses no independent, unilateral adjudicatory or appellate authority to sit in judgment over the detailed, reasoned orders passed by the Managing Director, who is statutorily vested with the power of disciplinary control. The impugned directive, which effectively nullifies the Managing Director's speaking orders, is therefore *ultra vires* and *void ab initio*.

18. Petitioner's Counsel further submits that the speaking orders of the Managing Director dated 01.10.2024 and 08.10.2024 exonerated the petitioners after considering their replies and the records. Subsequent inquiry reports by the Chief Vigilance Officer (CVO) (Annexures P-7 & P-8) arrived at the same conclusion. The Chairman's order does not point to any specific error in these findings but appears to be motivated by extraneous considerations arising from a purported rift within the management, making it a classic case of arbitrary and *mala fide* exercise of power. Furthermore, the petitioners were not furnished with a copy of the complaint or the material allegedly considered and relied upon by the chairman, were given no opportunity to present their defence, and were condemned unheard. Counsel submitted that this egregious omission

::: Downloaded on - 18-02-2026 11:38:30 :::

2026:PHHC:018348

strikes at the very root of the rule of law and fair administrative action, vitiating the proceeding in its entirety.

19. *Per contra*, learned counsel for the respondents submitted that the impugned order was a necessary and legitimate administrative action taken in the public interest. The chairman upon receiving such serious allegations of grave financial mismanagement, procedural violations in procurement, and operational lapses during the relevant period, was duty-bound to bring them to the notice of the highest executive authority (the Chief Secretary) for a comprehensive and independent investigation to safeguard public funds and ensure accountability. Further the counsel submitted that the impugned communication, being a preliminary referral to the Chief Secretary for further independent investigation in the public interest, did not require prior opportunity of hearing to the petitioners at this stage. He further contended that the Chairman acted within his authority under the Mill's Bye-laws and that the petitioners' allegations of arbitrariness are baseless and unsupported by evidence.

20. I have heard learned counsel for the parties and perused the records with their able assistance.

21. The scope of judicial review under Article 226 in disciplinary and administrative matters is very limited. However, it can certainly intervene in cases which, on their face, show perversity, irrationality, evidence of malpractice, or gross irregularity. This position has been authoritatively laid down by the Supreme Court in ***S.R. Tewari vs. Union of India, (2013) 6 SCC 602*** and ***Union of India vs. P. Gunasekaran, (2015) 2 SCC 610***.

::: Downloaded on - 18-02-2026 11:38:30 :::

22. Admittedly, the speaking orders of the Managing Director dated 01.10.2024 and 08.10.2024 were based on a consideration of the petitioners' replies and the available records. Furthermore, the inquiry reports of the CVO dated 12.08.2025 and 18.09.2025 independently concluded that no misconduct was established against the petitioners. The Chairman, disregarding these speaking orders and inquiry reports, passed the impugned order without assigning any detailed reasons for his conclusion and without affording the petitioners an opportunity of hearing.

22.1 The CVO in its detailed reports observed that,

> *"Therefore, the allegations (procurement without MD's approval, on urgent basis) made by the complainant against only Sh.Satbir and Sh.Yashvir are not substantiated. Instead it has become evident now during the course of enquiry that these equipment were essentially needed and approved by MD himself."*

23. Even without delving into the issue of jurisdiction, a foundational principle of service jurisprudence must be addressed. A Three-Judge Bench of the Hon'ble Supreme Court in ***Punjab National Bank vs. Kunj Behari Mishra, 1998 (3) SCT 833***, speaking through Justice B.N. Kirpal held that, "***The principles of natural justice would demand that the authority which proposes to decide against the delinquent officer must give him a hearing.***" The court further laid down that, whenever the Punishing authority disagrees with the report of the enquiry officer it must record its reasons for the dissent.

24. Admittedly, the impugned order does not point out any error of fact or law in these findings, nor does it refer to any new material that would warrant a different conclusion. In the absence of any new material specially, it appears to be based on mere *ipse dixit* and possibly on extraneous factors arising from

::: Downloaded on - 18-02-2026 11:38:30 :::

2026:PHHC:018348

internal dissensions within the Mill's management. Further, the petitioners were neither served with any show-cause notice, nor informed of the allegations, or granted a hearing, and were not even supplied with a copy of the material relied upon by the Chairman. The unreasoned impugned order was passed behind their backs, in complete derogation of the rule of *audi alteram partem* and the law laid down by the Apex Court.

25. The Hon'ble Apex Court in ***Raj Kishore Jha vs. State of Bihar, 2003 (11) SCC 519***, crystallized the principle that "***Reason is the heartbeat of every conclusion. Without the same, it becomes lifeless***." An order without reasons is anathema to a system of justice based on the rule of law. The order passed by the Chairman is unsupported by reasons, ignores relevant material, is based on no evidence, and is therefore deemed perverse.

26. A bare perusal of Rule 31(3) of the Haryana Cooperative Societies Act 1984 which reads as -:

> *"(3) The Managing Director of a co-operative society shall be its principal executive officer. All employees of the society shall function and perform their duties under his superintendence and control."*

27. Further, Rule 26 of the Service Rules for the Employees of Cooperative Sugar Mills in the State of Haryana, empowers the Managing Director to delve into the enquiry for misconduct who upon satisfaction can initiate the inquiry proceedings and Rule 27 of the said Rules, empowers the Managing Director as the Punishing Authority as per provisions of Bye-laws. The appellate framework is clearly delineated in Appendix-B of the said Rules, which stipulates that in cases where order has been passed by the Managing Director, the Board shall be the appellate authority and where order has been

::: Downloaded on - 18-02-2026 11:38:30 :::

2026:PHHC:018348

passed by the Board, RCS shall be the appellate authority. No such provision empowering the chairman has been brought to the notice of this Court or any such provision under which the chairman could unilaterally set aside the speaking orders of the Managing Director, that too without notice to the affected employees. The impugned order, therefore, suffers from a patent lack of jurisdiction and constitutes a colourable exercise of power.

28. In view of the above, this Court is of the considered opinion that the impugned order dated 21.05.2025 (Annexure P-6) passed by respondent no.3, the Chairman of the Board of Directors of The Shahbad Cooperative Sugar Mill Limited, is unsustainable in law. The order is without jurisdiction, violates the principles of natural justice, and is arbitrary and perverse.

29. Accordingly, all the captioned writ petitions are allowed. The impugned order dated 21.05.2025 (Annexure P-6) and all proceedings consequential thereto are hereby quashed. The respondents are directed to restore the *status quo ante* as it existed prior to the passing of the impugned order.

30. No order as to costs.

31. Pending applications, if any, stand disposed of.

32. A photocopy of this order be placed on files of connected cases.

33. Let a copy of this judgment be supplied to learned counsel for the parties.

(HARPREET SINGH BRAR)
JUDGE

19.01.2026
monika

1. Whether speaking/ reasoned : Yes /No
2. Whether reportable : Yes /No

::: Downloaded on - 18-02-2026 11:38:30 :::