

CWP No. 11665-2013

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

CWP No. 11665-2013

Date of Decision: 30.01.2015

Devi Singh

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Aman Pal, Advocate,
for the petitioner.

Mr. Gourav Jindal, Addl. A. G. Haryana.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for setting aside the order dated 25.07.2012 (Annexure P-12) whereby a Division Bench of Financial Commissioners, Haryana dismissed the revision of the petitioner merely on the ground that he had approached the Court of Financial Commissioner after a gap of 14 years from the date of order passed by the Commissioner, without any explanation for the delay especially when Commissioner had clearly mentioned in order dated 27.03.1998 (Annexure P-9) that none other than the Financial Commissioner had the authority to decide the issue involved in the case.

I have heard learned counsel for the parties and perused the

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record.

Learned counsel for the petitioner states that revision was filed before the Division Bench of Financial Commissioners explaining all facts, however, application for condonation of delay was not filed with the revision petition. He prays that opportunity may be granted to the petitioner to move such application which may be decided after taking into consideration the circumstances.

In view of restricted prayer made by learned counsel for the petitioner, impugned order dated 25.07.2012 (Annexure P-12) is set aside. Opportunity is granted to the petitioner to move appropriate application explaining the circumstances for condonation of delay before the Division Bench of Financial Commissioners. If such an application is moved, the same shall be decided on merit taking into consideration the circumstances. If the Division Bench of Financial Commissioners comes to the conclusion that explanation furnished by the petitioner is sufficient to condone the delay, the Financial Commissioners may decide the revision on merit. Otherwise, issue of limitation can also be taken into consideration for the purpose of deciding the revision petition. The application for condoning the delay shall be filed within one month from today failing which the impugned order dated 25.07.2012 (Annexure P-12) shall be deemed to have been affirmed.

Disposed of in the aforementioned terms.

30.01.2015

parveen kumar

(Paramjeet Singh)
Judge