

CWP No.5831 of 2014

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

CWP No.5831 of 2014
Date of decision: 04.02.2015

Gautam

....Petitioner

Versus

Chief Canal Officer, Bhakra Water Services Unit, Irrigation Department,
Haryana and others

....Respondents

CWP No.18851 of 2014

Satpal and others

....Petitioners

Versus

Chief Canal Officer, Bhakra Water Services Unit, Irrigation Department,
Haryana and others

....Respondents

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. P.K. Ganga, Advocate, for the petitioners.
Mr. Gaurav Jindal, Addl. A.G., Haryana.
Mr. S.S. Narula, Advocate, for respondent No.5.

PARAMJEET SINGH, J. (ORAL)

This order shall dispose of CWP No.5831 of 2014 titled 'Gautam v. Chief Canal Officer, Bhakra Water Services Unit, Irrigation Department, Haryana and others' and CWP No.18851 of 2014 titled 'Satpal and others v. Chief Canal Officer, Bhakra Water Services Unit, Irrigation Department, Haryana and others' as same orders have been

CWP No.5831 of 2014

impugned in both the writ petitions.

Instant writ petition has been filed for quashing the order dated 14.11.2013 (Annexure P-5) passed by respondent No.1 – Chief Canal Officer, Bhakra Water Services Unit, Irrigation Department, Haryana, order dated 05.07.2013 (Annexure P-3) passed by respondent No.2 – Superintending Canal Officer, Bhakra Water Services Circle, Sirsa, and order dated 12.11.2012 (Annexure P-2) passed by respondent No.3 – Divisional Canal Officer, Sirsa Water Services Division, Sirsa.

Sh. V.K. Jagga, Divisional Canal Officer, is present in Court. He has been made aware of the mistakes in the order dated 12.11.2012 (Annexure P-2) passed by him. He candidly admits that there are mistakes in the order and no reference has been made to the relevant documents, including command statement. He prays that impugned order may be set aside and he may be given liberty to pass fresh order in accordance with law.

Learned counsel for the petitioners as well as respondent No.5 agree with the statement made by Sh. V.K. Jagga, DCO, who is competent authority to pass appropriate order.

In view of the statement made by Sh. V.K. Jagga, DCO and consent given by learned counsel for the petitioners and respondent No.5, impugned orders are set aside. Case is remitted to the Divisional Canal Officer to pass fresh orders within one month from today after hearing and affording adequate opportunity to the parties to lead their respective evidence. DCO shall make reference to the relevant

CWP No.5831 of 2014

command statement, situation at the spot and other relevant documents.

Sh. V.K. Jagga states that he has been transferred to another office which is also situated in Sirsa.

It is made clear that impugned order dated 12.11.2012 (Annexure P-2) was passed Sh. V.K. Jagga, DCO, therefore, this case is specifically referred to Sh. V.K. Jagga although he may have been transferred from the post of Divisional Canal Officer, Sirsa Water Services Division, Sirsa, since he has understood the questions put to him in the Court.

Parties through their counsel are directed to appear before Sh. V.K. Jagga on 4.3.2015.

Disposed of.

(Paramjeet Singh)
Judge

February 04, 2015
R.S.