

CWP-10422-2016

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

CWP-10422-2016

Date of Decision: 24.05.2016

Tilak Raj

... Petitioner(s)

Versus

Special Secretary, Cooperation Department, Punjab and others

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

- 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: Ms. Jagdeep Bains, Advocate,
for the petitioner.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the order dated 23.02.2016 (Annexure P-13) passed by respondent No.1-Special Secretary, Cooperation, Punjab whereby revision filed by the petitioner has been dismissed without affording opportunity of hearing to the petitioner.

After arguing for some time, learned counsel for the petitioner states that at least, the petitioner should have been given an opportunity by respondent No.1 to address arguments on the issue of

CWP-10422-2016

maintainability of revision before her.

Notice of motion.

On the asking of Court, Mr. B.M.Vinayaka, DAG, Punjab accepts notice on behalf of respondent Nos.1 to 4.

In view of peculiar facts and circumstances of the case, service upon respondent Nos.5 to 9 is dispensed with, at this stage.

Perusal of file reveals that revision petition was received through post by respondent No.1 and the same has been dismissed on the ground that no order has been attached. Learned counsel for the petitioner submits that in fact, the enquiry report dated 30.11.2015 is itself an order and no specific order has been passed, therefore, enquiry report dated 30.11.2015 has been sought to be quashed.

Since revision came up for hearing before respondent No.1, she was required to give opportunity of hearing to the petitioner even on the issue of maintainability of revision. In view of above, the impugned order dated 23.02.2016 (Annexure P-13) is set aside. The petitioner or his counsel will be at liberty to appear before respondent No.1 on 13.07.2016 who shall pass appropriate order with regard to maintainability of revision in accordance with law after hearing the petitioner or his counsel.

Disposed of.

24.05.2016

parveen kumar

(Paramjeet Singh Dhaliwal)
Judge