IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CWP No. 12406 of 2016
Date of Decision: June 10, 2016

MAHAVIR SINGH

-PETITIONER

VS

STATE OF HARYANA AND ORS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. M.L. Saggar, Sr.Advocate with
Mr. Mandeep Singh Gill, Advocate
for the petitioner.

Mr. Jagdish Manchanda, Advocate
for the Caveators/respondents.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner was suspended by the Director, Department of Local Bodies, Haryana vide order dated 29.03.2016 passed under Section 22-A of Haryana Municipal Act, 1973.

Without filing any appeal, the petitioner ventured to file CWP No. 6590 of 2016 alleging political interference in the matter. This Court on 07.04.2016 in the above said CWP passed the following order:-

> *"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 suspension order dated 29.03.2016 (Annexure P/17) passed under Section 22A of the Haryana Municipal Act, 1973 (hereinafter referred to as the "Act") by respondent No.2.*

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> *The remedy of appeal is available to the petitioner under Section 22A of the Act. Learned counsel for the petitioner states that due to peculiar circumstances, petitioner has preferred the instant writ petition as he has apprehension that due to political interference, the appeal of the petitioner may not be decided and he will be forced to continue under suspension.*
>
> *Be that as it may, the fact remains that alternative remedy of appeal is available. As the only apprehension of the petitioner is that, his appeal may not be decided at the earliest, it is directed that if the petitioner files an appeal within a week from today, the same shall be decided, after affording opportunity of hearing to the parties, within one month from the date of filing of the appeal. The petitioner will be given liberty by the appellate authority to serve the opposite party dasti.*
>
> *Disposed of."*

Pursuant to aforesaid order, petitioner file his statutory appeal on 10.04.2016 within the time specified in the aforesaid order. No action was taken by the appellate authority. Petitioner again filed representation before the Appellate Authority to adhere to the order passed by the High Court on 07.04.2016. Thereafter, the appeal was fixed for 25.05.2016. Thereafter, it was adjourned for 03.06.2016.

Learned senior counsel for the petitioner contends that now the appeal is fixed for 08.07.2016 and the order passed by this Court on 07.04.2016 has not been complied with so far.

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Learned counsel for the Caveators admits the factual details as projected by learned counsel for the petitioner, however, he submits that part arguments have already been advanced before the Appellate Authority on 03.06.2016.

Be that as it may, I am of the view that since the petitioner has not resorted to any contempt proceedings in the context of violation of order dated 07.04.2016, but keeping in view the facts and circumstances of this case, it would be just and expedient to direct the respondent No.2 to decide the appeal of the petitioner on the date fixed without any unnecessary adjournment.

Disposed of.

10.06.2016
jyoti Y.

(RAJ MOHAN SINGH)
JUDGE

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