

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-12493-2016

Date of Decision: August 23, 2016

Gindori Devi and others

...Petitioners

Versus

Financial Commissioner, Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Mani Ram Verma, Advocate,
for the petitioners.

Mr. Ajay Jain, Advocate,
for respondent Nos. 5 to 7.

RAMESHWAR SINGH MALIK, J. (Oral)

The present writ petition is directed against the order dated 6.4.2016 (Annexure P-3), passed by the Financial Commissioner, Haryana-respondent No. 1, whereby interim order earlier granted was vacated.

Notice of motion was issued and operation of the impugned order was stayed.

Short reply has been filed on behalf of the contesting respondent No. 5.

Heard learned counsel for the parties.

Learned counsel for the parties are *ad idem* that when the petitioners filed the revision petition along with an application for stay before the Financial Commissioner, stay was granted vide order dated 18.5.2012 (Annexure P-2), which is a self-contained order. However, bare reading of the impugned order would show that although learned counsel for the parties were present and the case was listed for arguments, stay was

vacated and on the request made by both the learned counsel for the parties, the case was adjourned for next date of hearing. No reasons much less cogent reasons, have been assigned by the Financial Commissioner while vacating the stay order.

The impugned order dated 6.4.2016 (Annexure P-3) is a non-speaking and cryptic order, which cannot be upheld. This seems to be the reason as to why learned counsel for contesting respondent Nos. 5 to 7 was also unable to support the impugned order.

It goes without saying that the Financial Commissioner was acting as a quasi-judicial authority. It is also not in dispute that stay order was operating in favour of the petitioners during the pendency of their revision petition, which was granted after due consideration of the matter by passing a detailed and speaking order (Annexure P-2). It does not appeal to reason as to why the Financial Commissioner abruptly vacated the stay order without there being any occasion for the same. If the impugned order is permitted to continue, the revision petition filed by the petitioners itself would be rendered infructuous. Having said that, this Court feels no hesitation to conclude that the impugned order cannot be sustained for this reason also.

No other argument was raised.

Considering peculiar facts and circumstances of the case noted above coupled with the reasons aforementioned, this Court is of the considered view that since the impugned order has been found to be a non-speaking and cryptic order, the same cannot be sustained. Accordingly, the impugned order is hereby set aside. The writ petition deserves to be

accepted.

Consequently, it is directed that the order dated 18.5.2012 (Annexure P-2) shall continue to operate till the revision petition filed by the petitioners, bearing ROR No. 31 of 2011-12, is heard and decided by the Financial Commissioner. However, the petitioners are also directed not to seek unnecessary adjournments.

Learned counsel for the petitioners fairly states that unless there is any justified reason for adjournment, which might be beyond his control, he would not seek adjournment and would address his arguments on the very next date of hearing already fixed before the Financial Commissioner, i.e. 14.09.2016.

Resultantly, with the above said observations and direction issued, the present writ petition stands disposed of. However, there shall be no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

August 23, 2016
Pkapoor

Whether Speaking/Reasoned: ✓
YES / NO

Whether Reportable: ✓
YES / NO