

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

CWP No.19574 of 2014

Date of decision: 18.11.2016

M/s Shri Ram Pharma Distributors

... Petitioner

Vs.

Secretary, Health-cum-Managing Director, Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Munish Puri, Advocate
for the petitioner.

Mr. B.M. Vinayak, DAG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

Present writ petition is directed against the impugned appellate order dated 05.05.2014 (Annexure P-5), whereby the order dated 08.08.2012 dismissing the application of the petitioner for renewal of his licence, was upheld.

Notice of motion was issued and in compliance thereof, written statement has been filed by the respondents.

During the course of hearing, learned counsel for the petitioner submits that since the petitioner could not apply in time for renewal of his licence because of circumstances beyond his control, he would not press this petition for a writ in the nature of certiorari, for quashing the impugned orders. He further submits that petitioner may be permitted to file his appropriate appeal against the order dated 24.06.2013 (Annexure P-2), whereby his application even for fresh licence was declined and the appellate authority may

be directed to consider his appeal on merits, ignoring the delay because the petitioner has been pursuing his remedy before this Court under a bonafide impression.

Having heard learned counsel for the parties and without expressing any opinion about the eligibility of the petitioner for fresh licence, lest it should prejudice the rights of either of the parties, present writ petition is disposed of, with liberty to the petitioner to file his appropriate appeal against the order dated 24.06.2013 (Annexure P-2), whereby his application for issuance of fresh licence was rejected. If the petitioner files appropriate appeal before the appellate authority, his appeal shall be considered on merits and the respondent department shall not raise the issue of limitation against the petitioner, because he has been pursuing his remedy before this Court under a bonafide wrong impression.

It is further directed that in case the petitioner files his appeal within a period of one month from today, the appellate authority shall consider and decide the said appeal at an early date by passing an appropriate order, strictly in accordance with law but in any case within a period of three months after the receipt of appeal from the petitioner. The appeal shall be decided on merits, ignoring the issue of limitation.

With the abovesaid observations made and directions issued, present writ petition stands disposed of.

[RAMESHWAR SINGH MALIK]
JUDGE

18.11.2016
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No