

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

CWP No.19549 of 2016

Date of Decision : 20.09.2016

Baj Mohammad

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR.SHEKHER DHAWAN

...

Present: Mr.Inderjeet Singh, Advocate
for the petitioner.

...

MAHESH GROVER, J.

We do not find any reason to interfere with the impugned order for the simple reason that the conduct of the petitioner has been taken into consideration by the competent authority while passing the impugned order. The petitioner filed an appeal against the order dated 24.12.2015 and the appellate authority in the first instance granted an interim order in his favour and listed the matter for arguments, whereupon the petitioner failed to appear on various occasions as a result of which the appellate authority noticed the disinclination of the petitioner to argue the matter after obtaining interim order. In the interest of justice the petitioner was granted last opportunity to argue the matter but subject to payment of penalty to be deposited in the account of the Panchayat till 21.09.2016.

Since it is the petitioner who invited this situation, we would not like to interfere in the matter to upset a discretion exercised by the appellate authority by taking a holistic view of the situation. There is thus no legal infirmity committed by the appellate authority. However, keeping in view purely the interest of justice, we mandate that the petitioner shall argue the matter before the said authority on the date fixed, in which eventuality the appellate authority shall not insist on deposit of penalty. If petitioner fails to argue the case he would be required to deposit the penalty as directed vide order dated 30.08.2016.

Petition stands disposed of.

(MAHESH GROVER)
JUDGE

20.09.2016
dss

(SHEKHER DHAWAN)
JUDGE

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