

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

Civil Writ Petition No. 23792 of 2016 (O&M)
Date of Decision: 17.11.2016

Karambir

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Vivek Goyal, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Feeling aggrieved against the alleged inaction on the part of respondent authorities, petitioner has approached this Court, by way of instant writ petition under Article 226/227 of the Constitution of India, seeking a writ in the nature of Certiorari for quashing the impugned order dated 21.4.2016 (Annexure P-4), show cause notice dated 16.9.2016 (Annexure P-7) and suspension order dated 26.10.2016 (Annexure P-8A).

Learned counsel for the petitioner, at the very outset, fairly states that he does not intend to press this petition for a writ in the nature of Certiorari, for the time being. He further submits that against the suspension order dated 26.10.2016 (Annexure P-8A), passed by respondent No.2, statutory appeal of the petitioner is pending consideration before respondent No.3. Three dates of hearing have already been granted but no hearing has actually materialized so far. Even the stay application moved by the petitioner along with the appeal has not been considered because of which the petitioner is suffering great hardship.

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Learned counsel for the petitioner submits that he restricts his relief only to the limited extent that let an appropriate direction be issued to respondent No.1 to consider and decide the appeal of the petitioner within a reasonable time and till the stay matter is heard and decided, the impugned suspension order dated 26.10.2016 may be ordered to be kept in abeyance.

Having heard the learned counsel for the petitioner and without expressing any opinion on the merits of the case, lest it should prejudice the rights of either of the parties, present writ petition is disposed of with a direction to the Principal Secretary, Government of Haryana, Rural Development and Panchayat Department, Civil Secretariat, Haryana, Chandigarh-respondent No.1 to consider and decide the appeal at an early date. Respondent No.1 shall be at liberty to take up the stay matter by passing an appropriate order thereon, during the pendency of the appeal.

However, keeping in view the peculiar facts and circumstances of the case and also to ensure that no manifest injustice is caused to the petitioner, while not considering the stay application against the suspension order, it is directed that till the stay application of the petitioner is heard and decided by passing an appropriate order thereon, impugned suspension order dated 26.10.2016 (Annexure P-8/A) passed by Deputy Commissioner, Kurukshetra-respondent No.2, shall be kept in abeyance.

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

17.11.2016
mamta/Ak Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

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