

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

**Civil Writ Petition No.27191 of 2016
Date of Decision: December 23, 2016**

Kamaldeep Singh

...Petitioners

Versus

State of Punjab & Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Nakul Sharma, Advocate,
for the petitioner.

RAMESHWAR SINGH MALIK, J.(Oral)

Feeling aggrieved against the impugned order dated 13.12.2016 (Annexure P-7), petitioner has approached this Court, by way of present writ petition under Article 226/227 of the Constitution of India, seeking a writ in the nature of Certiorari, for quashing the impugned order.

Learned counsel for the petitioner referring to the averments taken in para Nos.8 and 9 of the writ petition, submits that vide order dated 07.11.2016 (Annexure P-6), stay order earlier granted was extended till the next date of hearing which was 23.11.2016. Thereafter, the case was adjourned to 08.12.2016 and stay order was ordered to continue. Arguments were heard on 08.12.2016 and order was kept reserved. He further submits that to the shocking surprise of the petitioner that impugned order dated 13.12.2016 (Annexure P-7) was passed behind the back of the petitioner without issuing any notice before

application for vacation of the stay moved by the other side. He also submits that petitioner will be satisfied in case, operation of the impugned order dated 13.12.2016 (Annexure P-7) may be stayed till the final decision of the appeal which is now listed before respondent No.1 for 29.12.2016.

Having heard the learned counsel for the petitioner and without expressing any opinion on 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 Appellate Authority-respondent No.1 to consider and decide the pending appeal of the petitioner (Annexure P-4) by passing an appropriate order thereon, strictly in accordance with law.

However, keeping in view the peculiar facts and circumstances of the case noticed hereinabove and also to ensure that statutory appeal filed by the petitioner may not be rendered infructuous in the absence of any stay order, it is directed that till the appeal is finally decided by respondent No.1, impugned order dated 13.12.2016 (Annexure P-7) shall remain stayed and instead thereof, order dated 07.11.2016 (Annexure P-6) shall continue to operate.

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

December 23, 2016
seema

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned
Whether reportable
Seema Sharma
2016.12.23 14:44
I attest the accuracy and
authenticity of the document

Yes/No
Yes/No