

In the High Court of Punjab and Haryana at Chandigarh.

**CWP-11906 of 2017
Decided on 04.7.2017**

Rajender and others

--Petitioners

Vs.

State of Haryana and others

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Abhimanyu Singh, Advocate, for the petitioners
Mr.Lokesh Sinhal, Addl.AG, Haryana
Ms.Vineet Chaudhary, Advocate, for respondent Nos. 5 to 8

Rakesh Kumar Jain,J: (Oral)

This petition is filed against the order dated 01.5.2017 by which the stay already granted to the petitioners was vacated.

On 26.5.2017, following order was passed by this Court:-

“This Court in CWP No.1491 of 2017 titled as **“Baru Ram and others Vs. The Financial Commissioner, Haryana and others”** decided on 27.1.2017, had issued directions to the Financial Commissioner to be sensitized with regard to discharging of the obligations as quasi judicial authorities, but yet the same are not being adhered to. The present case is the one which shows utter disregard.

It has been pointed out that vide Annexure P-4 dated 22.11.2016, the Financial Commissioner had granted the ex-parte status-quo. The said order reads as under:-

“Today, the petitioner Sh. Sudhir Chand moved an application for stay of possession on proceedings. Heard. Status-quo with regard to possession be maintained till next date of hearing i.e.5.12.2016 at 3.00 p.m.”.

However, on 1.5.2017 without recording any arguments of the respective parties, vacated the stay. Such procedure is alien to the settled law compelling this Court to take suo-motu cognizance of contempt.

Notice of motion.

Let show cause notice be issued to Alok Nigam, Financial Commissioner, Haryana and as well as the Chief Secretary to show cause as to why proceedings for contempt be not initiated against them for showing disregard and disrespect to the directions of this Court.

Let the order be served upon the alleged contemnors through Mr.Rajbir Singh, learned Assistant Advocate General, Haryana for 2.6.2017.

In the meantime, status-quo as per the order Annexure P-4 shall be maintained”.

In compliance of the order, both Alok Nigam, Financial Commissioner-cum-Addl. Chief Secretary and Mr.D.S.Dhesi, Chief Secretary, Haryana, have filed their respective affidavits. The Chief Secretary has made the following averments in his affidavit:-

“The answering deponent in compliance of directions of Hon'ble High Court issued in CWP No.1491 of 2017 titled as **Baru Ram and others Vs. Financial Commissioner, Haryana and Others** vide dispatch No. 13117 dated 03.02.2017 forwarded the same to ACS,for compliance. The FCR, in compliance of orders dated 27.1.2017 and 26.5.2017 had issued directions to All the Administrative Secretaries to Govt. of Haryana vide a memo 4601 dated 31.05.2017. The same is annexed as “**Annexure -A**”.

“That in compliance of above directions issued

by the Hon'ble High Court the answering deponent also called meeting of All Administrative Secretaries on 22.05.2017 and directed that all departments should keep in mind the observations of the Hon'ble Court and ensure the order of the Court are complied within specified time limit and in case the orders cannot be complied within specific time, extension in time should be sought from the Court. The Departments were further directed that while disposing of the cases it should be ensured detailed speaking orders are passed.”.

“That the answering deponent in compliance of directions of Hon'ble High Court has started refresher course for the Officers of the Revenue Department who were passing orders arbitrarily without assigning reasons and without complying with the provisions of law”.

“That the answering deponent had directed all the departments to review taken on pending cases and COCPs every fortnight”.

Mr.Lokesh Sinhal, learned Addl.A.G, Haryana, has assured the Court that the averments made in the affidavit shall be strictly complied with.

Learned counsel for the petitioners has submitted that the revision petition is still pending before the Financial Commissioner and is fixed for 24.7.2017.

Keeping in view the aforesaid facts and circumstances, this petition is disposed of with a direction to the Financial Commissioner seized of the revision petition filed by the petitioners to decide the same expeditiously, preferably within a period of three months from today.

Till then, the parties shall maintain status-quo with regard to possession.

Insofar as the show cause notice dated 26.5.2017 as to why the proceedings against Alok Nigam and D.S.Dhesi be not initiated, is concerned, keeping in view the averments made by the Chief Secretary in

his affidavit dated 01.6.2017, referred to above, the proceedings against them are hereby dropped.

04.7.2017
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(Rakesh Kumar Jain)
Judge

Whether Speaking/Reasoned: Yes/No.

Whether Reportable: Yes/No