

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

CWP No.14658 of 2017 (O&M)

Date of Decision:-July 25, 2017

S.P.S. Rathore

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Gurvinder Singh Gill**

Present : Ms. Abha Rathore, Advocate for the petitioner.

Rajesh Bindal J:

Notice of motion to respondents No.1 to 5 only.

Mr. Ankur Mittal, Additional Advocate General, Haryana, who is present in Court, accepts notice on behalf of respondents No.1 to 5.

The only grievance of the petitioner is that appeal and revision against the orders dated 29.11.2011 and 1.10.2013, presently pending before the Commissioner, Gurugram Division are not being taken up for hearing for the last four years, whereas on the other hand, the Gram Panchayat has filed execution of the orders, which is pending before the Assistant Collector 1st Grade, Panchkula for 27.9.2017.

Learned counsel for the State, on instructions from Banta Singh, Superintendent to Additional Chief Secretary, Development & Panchayat, Gurugram submitted that the power to transfer any case pending before one Commissioner to another lies with the Financial Commissioner, Development & Panchayat. The petitioner can move an application to the competent authority for that purpose. The moment, it is filed, the same shall be adjudicated upon by 31.8.2017, as at present the Financial Commissioner,

Development & Panchayat is on leave till 14.8.2017.

He further submitted that till such time the application filed by the petitioner for transfer of case is decided and further the transferee officer takes up the application filed by the petitioner for interim stay, the Assistant Collector 1st Grade, Panchkula before whom the execution proceedings are pending will adjourn the case to be taken up after the application for stay is taken up and decided.

Learned counsel for the petitioner is satisfied with the stand taken by learned counsel for the State. In view of the fair stand taken by learned counsel for the parties, the present petition is disposed of in terms thereof.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

July 25, 2017
pankaj

Whether speaking/reasoned Yes/No

Whether reportable Yes/No