

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.1612 of 2017

DATE OF DECISION: March 22,2017

Subhash

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr.Vikram Singh, Advocate for the petitioner.
Mr.Rajbir Singh, AAG, Haryana.

AMIT RAWAL, J.

Reply filed in the Court is taken on record.

The petitioner is seeking quashing of the orders dated 27.2.2013, 19.3.2013 and 13.10.2016, Annexures P.1 to P.3 vide which the petitioner has been removed from the post of Chowkidar.

Mr.Vikram Singh, learned counsel appearing on behalf of the petitioner submits that against order of suspension dated 27.2.2013, Annexure P.1, the petitioner had preferred an appeal as per the provisions of Section 13 of the Punjab Land Revenue Act, 1887 but the same was dismissed on the ground of jurisdiction. The petitioner

approached the Commissioner who also dismissed the same on the ground of lack of jurisdiction. In essence, the petitioner was rendered remediless. This was precisely noticed in the order of notice of motion.

In the reply, it has been stated that the Deputy Commissioner has no jurisdiction to hear and decide the appeal.

I have heard learned counsel for the parties and am of the view that the orders Annexures P.2 and P.3 passed by the respondent Nos.2 and 3 are illegal and liable to be set aside simply because the petitioner could not have been rendered remediless, inasmuch as, he availed of the remedy of appeal against the order dated 27.2.2013, Annexure P.1, before the respondent No.3-Deputy Commissioner, Karnal, District Karnal.

Accordingly, the orders, Annexures P.2 and P.3 are set aside. Respondent No.3-Deputy Commissioner, Karnal is directed to decide the appeal against the order dated 27.2.2013, Annexure P.1, in accordance with law.

March 22,2017
KD

(AMIT RAWAL)
JUDGE

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