

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

**CWP No. 22955 of 2016
Date of decision: 24.03.2017**

Jagtar Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Dr. Naresh Kaushik, Advocate,
for the petitioner.

Mr. T.N. Sarup, Addl. A.G., Punjab.

JAISHREE THAKUR, J. (ORAL)

The instant writ petition has been filed seeking issuance of a writ in the nature of mandamus / certiorari for setting aside the order dated 19.08.2016 whereby recovery of ₹ 4,18,450/- has been imposed on the charge of illegal cutting of trees.

Learned counsel for the petitioner contends that in the earlier inquiry, the petitioner was not found involved but subsequently, another inquiry was conducted without associating the petitioner in the inquiry and without giving any opportunity of hearing to him. It is contended that second inquiry was held and punishment was imposed. Further, no reasons were conveyed to the petitioner by the punishing authority as to why the punishing authority was not satisfied with the findings recorded by the earlier Inquiry Officer.

Mr. T.N. Sarup, learned Addl. A.G., Punjab submits at the very outset that this writ petition is not maintainable on account of statutory

remedy available to the petitioner which has not been availed of. In view of this, he prays for the dismissal of the writ petition.

I have heard learned counsel for the parties and in view of the fact that the petitioner has not availed of the statutory remedy as available to him, no interference is called for in the instant writ petition.

At this juncture, Dr. Naresh Kaushik, learned counsel appearing on behalf of the petitioner seeks to withdraw the instant writ petition with liberty to file an appeal as provided for under the rules with a prayer that this writ petition be treated as an appeal to be disposed of by the appellate authority.

Dr. Naresh Kaushik, learned counsel appearing on behalf of the petitioner also urges that the issue of limitation should not be invoked in this matter to defeat the rights of the petitioner.

Since the petitioners had approached this Court by way of a writ petition Mr. T.N. Sarup, learned Addl. A.G., Punjab very fairly submits that the plea of limitation will not be raised while disposing of the appeal by the Appellate Authority.

In view of the above, let the instant writ petition be placed before the Appellate Authority to be decided in accordance with law expeditiously, preferably, within a period of six months on receipt of certified copy of this order. Writ petition has been disposed of accordingly. Let the parties appear before the Appellate Authority on 06.04.2017.

Interim order to continue till the disposal of the appeal.

24.03.2017

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.