

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

Date of decision: 17.08.2017

CWP No.27392 of 2016

Dinesh Kumar Sandhu

.... Petitioner

versus

State of Punjab & ors.

.... Respondents

CWP No.27396 of 2016

Chaman Lal

.... Petitioner

versus

State of Punjab & ors.

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. Jatinderpal Singh, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Rakesh Kumar Jain, J.

CM No.11139 of 2017

This is an application for placing on record the reply filed on behalf of respondents No.1 to 4.

Application is allowed. Reply filed on behalf of respondents No.1 to 4 is taken on record subject to all just exceptions.

CM stands disposed of.

Main case

This order will dispose of above-said writ petitions as similar question of law is involved in both the cases. However, for the sake of convenience, facts are extracted from CWP No.27392 of 2016.

This petition(s) is filed against the order dated 10.10.2016 (Annexure P-5) passed by the Commissioner, Jalandhar Division, Jalandhar and the order dated 08.04.2016 (Annexure P-3) passed by the Collector, Jalandhar Division, Jalandhar by which appeal filed by the petitioner(s) has been dismissed on the ground of being time barred.

Learned counsel for the petitioner has submitted that although it is not mentioned in the impugned order that the appeal is dismissed on the ground of delay but according to him the delay is only of 10 days at the most. He has also referred to an order passed in appeal No.39 of 2016 titled as Krishna Devi (mother of the petitioner) vs. Punjab State through Collector, Jalandhar decided on 12.10.2016 passed by the same Commissioner. The said appeal has been entertained though it is also filed on the same date.

Learned counsel for the State could not deny that the delay was not of 10 days.

I have heard learned counsel for the parties and perused the record with their assistance.

Since the issue involved in this case is of recovery of a sum of ₹ 2,25,874/- i.e. ₹ 1,12,375/- as deficiency and ₹ 1,13,499/- as interest and that the impugned order is silent about the number of days of delay in filing the appeal filed by the petitioner, therefore, I am of the opinion that the petitioner(s) deserves hearing by the Appellate Court.

Accordingly, the present petition(s) is allowed and the impugned order dated 10.10.2016 is set aside and the matter is remanded back to respondent No.2 for decision on merits.

Parties are directed to appear before the Commissioner,
Jalandhar Division, Jalandhar on 05.09.2017.

(RAKESH KUMAR JAIN)
JUDGE

17.08.2017
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|-----------------------------------|--------|
| 1. Whether speaking/non-speaking? | Yes |
| 2. Whether reportable? | Yes/No |