

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 2714 of 2017 (O&M)

Date of Decision: 23.03.2017

Mangaljeet Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Navjeet Singh Bal, Advocate
for the petitioner.

Mr. P.S. Bajwa, Addl. Advocate General, Punjab.

Mr. Naveen Bawa, Advocate
for respondent No. 5.

RAJESH BINDAL,J.

1. Challenge in the present petition is to the order dated 28.10.2016 whereby the appeal filed by the petitioner against the order dated 15.7.2015 passed by the Collector-cum-Divisional Deputy Director Amritsar, was dismissed.

2. The short ground raised by learned counsel for the petitioner was that in the absence of the counsel for both the parties, the appeal could at the most have been dismissed in fault and not decided on merits. On a numbers of dates of hearing, as have been referred to in the impugned order, even the Presiding Officer was not available. He only prayed that the matter be remitted back to be decided on merit.

3. Though learned counsel for the respondents submitted that even earlier also the appeal was dismissed in default and thereafter restored,

which showed the conduct of the petitioner, however, he did not dispute the

date on which the appeal was decided on merits even the counsel for the respondent No.5-Gram Panchayat was not present.

4. After hearing learned counsel for the parties and without going into the merits of the controversy as such and finding that the appeal filed by the petitioner was decided by the Commissioner in the absence of counsels for both the parties, order deserves to be set aside.

5. Ordered accordingly.

6. Parties through their counsels are directed to appear before the Commissioner on April 17, 2017 for hearing of the appeal, which will be decided on merits after hearing counsels for both the parties.

(RAJESH BINDAL)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

23.03.2017
reema

Whether speaking/reasoned	√ Yes/No
Whether Reportable:	Yes/No