

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

(110)

CWP-5292-2017

Decided on: March 16, 2017.

Harvinder Singh

.... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Sanjiv Ghai, Advocate, for the petitioner.

M.M.S. BEDI, J (ORAL)

Petitioner, through instant petition, seeks a direction to respondent No.1 to take a decision on the appeal dated 26.10.2015 Annexure P-11 which has been filed by respondents No. 5 to 7 against the order dated 15.04.2015 passed by respondent No.2 cancelling their Red Cards and upholding the cancellation of their Red Cards as riot victims.

When questioned as to what is the legally enforceable right of the petitioner against the private respondents and the official respondents, learned counsel for the petitioner submits that it was on the complaint of the petitioner that the Red Cards of respondents No. 5 to 7 were cancelled by the Deputy Commissioner, Ludhiana ordering that the benefits given to them, should be cancelled.

Learned counsel for the petitioner has vehemently contended that in view of the decision dated 24.07.2013 passed by a Division Bench of this Court, the concerned Committee was required to decide the appeal preferably within a period of one year. He has vehemently urged that on account of glaring violation of the directions of the Division Bench, the petitioner has got a right to approach this Court for compliance of the

direction passed by the Division Bench vide order dated 24.07.2013 in CWP-3070-2011.

I have heard learned counsel for the petitioner at length.

The grievance of the petitioner is that appeal filed by respondents No. 5, 6 and 7, should be decided expeditiously as he expects that the appeal will be dismissed and the benefits granted to respondents No. 5, 6 and 7 as riot victims, would be withdrawn.

Prima facie, the petitioner does not appear to have any legally enforceable right for seeking the relief. It is also not out of place to mention here that the petitioner had earlier also filed a writ petition seeking the same relief in CWP-9609-2016 which was decided on 17.05.2016 by another Bench of this Court. The said petition was disposed of by passing the following order:

“Instant writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus, directing respondent No.1-Financial Commissioner, Department of Revenue and Rehabilitaton to take a decision on the application /appeal dated 26.10.2015 [Annexure P-11 (colly)] filed by respondents No. 5 to 7 against the order dated 15.04.2015 passed by respondent No.2, pertaining to the red cards illegally issued to respondents No. 5 to 7.

I have heard learned counsel for the petitioner and perused the paper-book.

The claim of the petitioner is that on the basis of his complaint red cards of the private respondents No. 5 to 7 have been cancelled. Thereafter, in appeal dated 26.10.2015 [Annexure P-1(1colly)], stay has been granted in favour of the private respondents but the appeal is not being decided.

Learned counsel for the petitioner contends that

the Division Bench of this Court in CWP No. 3070 of 2011, titled as Sikh Danga Peerit Welfare Committee (Punjab) Vs. State of Punjab and others decided on 24.07.2013 has directed the concerned Committees to decide such appeals preferably within a period of one year. The petitioner has moved an application on 19.01.2016 but the matter is still not being decided.

It is for the authorities to examine the case. No direction can be issued in the manner in which the petitioner is seeking in the present case. It depends upon the workload of the concerned authority and they will have to maintain their docket according to the nature of the work.

In view of this I do not find any justification to issue any such direction as prayed for.

So far as the order of the Division Bench of this Court is concerned, I have no doubt that the authority will certainly take the same into consideration while passing the order.

Dismissed”.

The said order dated 17.05.2016 has become final. The filing of second writ petition for the same relief, is not maintainable.

This petition cannot be treated as public interest litigation on behalf of the petitioner.

The writ petition is dismissed for the following reasons:

- (i) No legally enforceable right vests in the petitioner; and
- (ii) A similar writ petition has already been dismissed on 17.05.2016.

March 16, 2017
harsha

(M.M.S. BEDI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No