

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

CWP No. 6752 of 2017 (O&M)

Date of decision: 18.4.2017

Roshan and another

.. Petitioners

VS

Commissioner, Ambala Division, Ambala,
Haryana and others

.. Respondents

Coram: **Hon'ble Mr. Justice Rajesh Bindal**
 Hon'ble Mr. Justice Harinder Singh Sidhu

Present: Mr. Ashish Pannu, Advocate, for the petitioners.
 Mr. Ankur Mittal, Additional Advocate General, Haryana.

Rajesh Bindal, J.

The petitioners approached this Court seeking a direction to respondent no.1 to decide the appeal filed by them against the order passed by the Collector, Yamuna Nagar.

The grievance raised is that the appeal is pending before the Commissioner, Ambala Division, Ambala, however, there being no officer, the appeals/ revisions pending before him are not being heard.

Learned counsel for the State was asked to verify the reasons. He submitted that earlier additional charge had been given to the Commissioner, Rohtak Division, Rohtak, however, now charge has been given to the Principal Secretary, Department of Housing, Haryana, but he is not sure about the fact whether he is holding Court or not.

Once a statutory duty has been assigned to any authority under any statute to hear appeals/ revisions, the officer has also to be appointed to hear the same. If additional charge has been given to an

officer to discharge administrative and quasi judicial functions attached to the post, he should have discharged those functions. If the State is short of the officers to be appointed on any post and additional charge is given to other officer, he cannot escape from his duties attached to that post. Once he is carrying out administrative functions, he is also bound to discharge judicial functions as well. The appeals/ revisions filed by the litigants cannot be kept pending because regular incumbent is not appointed by the State for months together. It was informed that the Commissioner, Ambala Division, Ambala, holds the Court on Thursday and Friday. Under the circumstances, we are constrained to issue directions to the officer, who has been given charge of the Commissioner, Ambala Division, Ambala, to hold Court on Thursday and Friday.

Under the circumstances, we direct that the officer, who is holding charge of the post shall hold Court on the dates already fixed in the cases and take up those for disposal. The statement of the work done for the months of April and May, 2017, shall be submitted to this Court.

The writ petition is disposed of, however, for that purpose, the matter shall be listed in Court on 10.7.2017.

(Rajesh Bindal)
Judge

18.4.2017
vs

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No