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

CWP-7744-2017

Date of decision : 18.05.2017

Jagsir Singh

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Jagjit Gill, Advocate
for the petitioner.

AMIT RAWAL, J. (ORAL)

Learned counsel appearing on behalf of the petitioner submits that the alleged inquiry report of the Assistant Collector, Sirsa (Annexure P-11), *prima facie* finding the petitioner and Municipal Engineer, not performing their duties as per Rules, is at their back and the fallout of the contemplated action is reflected from letter dated 11.01.2017 (Annexure P-12) i.e. communication from the Office of the Secretary, Municipal Committee, Kalanwali to the Director, Urban Local Bodies, Haryana, Panchkula. The petitioner earlier approached this Court by filing CWP No.2826 of 2017, which was dismissed as withdrawn with a liberty to avail the remedy under Section 253 of the Haryana Municipal Act. Accordingly, an appeal (Annexure P-14) has been filed on 23.02.2017, but the same has neither been heard or no notice of the same has been issued to the opposite party. Hence, the present writ petition.

Notice of motion.

Mr. Rajbir Singh, AAG, Haryana, accepts notice of behalf of the State.

The facts noticed above are not in dispute, much less, passing of the order and filing of the appeal, I am of the view that once the petitioner has availed the remedy against the *ex parte* inquiry report (Annexure P-11), the predicament of the petitioner is redressed. Once the appeal has been filed, the Officer, who is enjoined upon an obligation to hear and decide the appeal, is required to take cognizance of the same.

In view of above, I deem it appropriate to dispose of the present writ petition with a direction to respondent No.1 to decide the appeal (Annexure P-14) along with interim relief application, if any, in accordance with law as expeditiously as possible preferably within a period of three months from the date of the receipt of the certified copy of this order.

Disposed of, accordingly.

18.05.2017

Yogesh Sharma

**(AMIT RAWAL)
JUDGE**

✓

Whether speaking/reasoned **Yes/ No**

✓

Whether Reportable **Yes/ No**