

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

**CM No. 2862-63 of 2019 In/and
CWP No. 3866 of 2019
Date of Decision: 22.02.2019**

Mewa Singh

...Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Vikram Singh, Advocate
for the applicant/petitioner.

Mr. Harish Rathee, Senior DAG Haryana.

RAJIV NARAIN RAINA, J. (Oral)

1. This case was taken up for the first time for preliminary hearing on 12.02.2019 when the Members of the Bar had decided to abstain from work. However, notice of motion was issued for 14.03.2019 with the petitioner in person appearing before the Bench.

2. The present application has been moved by the petitioner with a prayer for staying the operation of the impugned order dated 11.01.2019 passed by the Deputy Commissioner, Sonipat.

3. The case stated is that the petitioner has filed an appeal against the impugned order (Annex. P-1). The appeal lies to the State Government. The petitioner says that he was heard on 03.01.2019 by the appellate authority but no order has been supplied to him. He further states that he has been approaching the office of 1st respondent to get the

order but to no avail. Mr. Rathee who has advance notice of the application accepts it on behalf of the State.

4. Heard counsel for the parties.

5. The case is taken up for final disposal today itself, in view of the order proposed to be passed.

6. On a query put to the counsel, whether his client was heard, learned counsel for the petitioner submits that actually no hearing took place and filing of an appeal and its listing is itself considered hearing. An effective hearing has not been given to the petitioner but averments contained in paragraph 4 of the application shows otherwise. Therein it is specifically pleaded that:

“during the course of arguments the petitioner was also heard by the respondent No.1. After hearing the case, respondent No.1 told that he will announce the order by tomorrow i.e. 24.01.2019. On 24.01.2019 the petitioner approached the office of the respondent No.1 and inquired about the case. But it was told that order will be pronounced on next Tuesday i.e. 29.01.2019. Thereafter, the counsel for the petitioner many time inquired the matter from the staff of respondent No.1, who told that the respondent No.1. But neither any order has been passed nor any date has been fixed by respondent No.1.”

7. This belies the stand of the petitioner taken at the hearing. It is admitted that he has been heard by the appellate authority, but, he has not been furnished a copy of the order.

8. Accordingly, this petition is disposed of with a direction to the appellate authority to supply a copy of the order within 7 days from today. In case charge has not been withdrawn from the petitioner today by 12.00 noon then status quo will be maintained till a copy of the order is supplied and for one week thereafter to enable the petitioner to seek legal redress in case the order goes adverse to his interest.

(RAJIV NARAIN RAINA)
JUDGE

22.02.2019
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No