

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

CWP-23742-2019

Date of decision: 9.9.2019

Satbir

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr.Vikram Singh, Advocate for the petitioner

Mr.Vikrant Pamboo, DAG, Haryana

JITENDRA CHAUHAN, J.

This writ petition under Articles 226/227 of the Constitution of India has been filed for issuance of direction to respondent No.1 to decide the application (Annexure P-6) for recalling the order dated 29.1.2019 / 7.2.2019 (Annexure P-5), vide which the stay granted vide order dated 29.8.2017 (Annexure P-4) was vacated.

Learned counsel for the petitioner states that respondent No.1 did not hold the Court for a number of dates reflected in para 10 of the petition and on a solitary absence of the learned counsel for the petitioner, the stay granted vide order dated 29.8.2017 (Annexure P-4) was vacated vide order dated 29.1.2019 (Annexure P-5) by noticing that the appellant (present petitioner) wants to prolong the matter, whereas the learned counsel submits that he was held up in traffic jam and was late for a few minutes and on the same day a request was also made by him to respondent No.1 in

this regard. Now the matter is fixed for 24.9.2019.

These facts have been duly acknowledged by the learned State counsel, who has produced on record copies of the zimni orders, which are taken on record as Mark 'A'.

From the zimni orders Mark 'A', it is made out that continuously the Court was not held by respondent No.1.

In this view of the matter, the Court feels that the order dated 29.1.2019 being not on merit, whereby the reasoned order dated 28.9.2017 was vacated, deserves to be recalled. Accordingly, the order dated 29.1.2019 is kept in abeyance till the decision of the appeal by respondent No.1.

Disposed of accordingly.

9.9.2019
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No