

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.27135 of 2019
Date of decision :10.12.2019

Kewal Ram

.....Petitioner

Vs.

State of Haryana and Others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present:- Mr.Y.P.Singla, Advocate for the petitioner.

Mr.Shivendra Swaroop, AAG, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 23.09.2019, the following order was passed:

“It is the contention of learned counsel for the petitioner that the petitioner has challenged the appointment of respondent No.4-Lala Ram, who had been appointed as Lambardar of Village Ghagas, Tehsil Nagina, District Mewat, by filing appeal i.e. E.A. No.455/2017-18, which came up for hearing on 20.12.2018 before the Commissioner, Faridabad Division, Faridabad, when the said appeal was dismissed in default for want of prosecution. He contends that this order dated 20.12.2018 (Annexure P-4) was passed because of the absence of the counsel for the appellant, who immediately submitted an application on 21.12.2018 (Annexure P-5), the very next day for restoration of the case but the said application has not been considered and decided till date.

Mr. Manish Dadwal, Assistant Advocate General, Haryana, shall seek instructions from the Commissioner, Faridabad Division, Faridabad-respondent No.2 with regard to above assertions of the counsel for the petitioner.

List on 15.10.2019.”

In pursuance thereto an affidavit of Commissioner Faridabad

Division, Faridabad (respondent No.2) has been filed in Court. According to

the said affidavit, in paragraph 3 of the same, it is asserted that the petitioner has never filed any application for restoration of appeal in the office of Commissioner, Faridabad Division, Faridabad. There is no record of application for restoration of the appeal in the office and therefore there is no question either considering/decision thereon regarding restoration of the appeal.

In the light of the affidavit as filed by respondent No.2, learned counsel for the petitioner states that the petitioner would again file an application for restoration of the appeal along with an application for condoning the delay which may also be considered.

In the light of the above, present writ petition is disposed of with liberty to the petitioner to avail of his remedy in accordance with law. However, the period which the petitioner has spent in pursuing the present writ petition shall be sympathetically considered by the appellate authority while considering the application for condonation of delay.

10.12.2019
anil

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned = Yes/No.

Whether reportable= Yes/No.