

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

**Date of Decision :03.03.2020
LPA No.263 of 2020 (O&M)**

Dr. B.S.Sehrawat

.....Appellant

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE**

Present : Mr. D.S.Patwalia, Sr. Advocate with
Mr. B.S.Patwalia, Advocate for the appellant.

Mr. Sandeep Moudgil, Addl. A.G.Haryana.

Mr. Gurminder Singh, Sr. Advocate with
Mr. J.S.Gill, Advocate for respondent No.3.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral):

This appeal has been filed by the appellant being aggrieved by the order dated 18.02.2020, passed by the learned Single Judge, dismissing the application for vacation of stay filed by the appellant.

This Court, at the very outset, questioned the maintainability of the appeal as the order passed by the learned Single Judge appears to be an interlocutory order.

Learned Senior counsel appearing for the appellant submits that the order dismissing the application for vacating the stay was passed on the statement made by learned counsel appearing for the State, on instructions from the Superintendent, Office of the Additional Chief Secretary, Agriculture & Farmer's Welfare Department, Chandigarh, to the effect that the instructions dated 15.06.2018, have not been implemented so far.

Learned Senior counsel further submits that the aforesaid statement made by the learned counsel for the State may or is being treated as a final statement in respect to the instructions whereas as per his instructions the same have been implemented by the State on certain occasions. In view of the aforesaid statement of the learned Senior counsel for the appellant this Court had directed the learned Additional Advocate General appearing for the State of Haryana to seek instructions.

Learned Additional Advocate General appearing for the State of Haryana, on instructions from Harish Kumar, Under Secretary and Jeet Singh, Superintendent, Agriculture Branch, submits that the statement before the learned Single Judge as regards non-implementation of the instructions dated 15.06.2018, was made under mis-appreciation and misreading of the facts. However, the instructions dated 15.06.2018, have in fact been implemented by the State of Haryana.

In view of the aforesaid statement of the learned Additional Advocate General appearing for the State of Haryana, we are of the considered opinion that the matter needs to be reconsidered by the learned Single Judge as the very foundation and basis of the order passed by the learned Single Judge dated 18.02.2020, rejecting the application for vacating stay vanishes.

In view of the aforesaid, while we do not find any reason to entertain the appeal. We however, take the statement of the learned Additional Advocate General on record to the effect that the instructions dated 15.06.2018, have been implemented and the statement before the learned Single Judge on 18.02.2020, was made on mis-appreciation of the

facts.

With the aforesaid observation the appeal filed by the appellant stands disposed of requesting the learned Single Judge to reconsider the application for vacating stay or the petition itself be decided finally on the next date of hearing, in view of the reversal of stand and the statement made on behalf of the Department/State of Haryana that instructions have since been implemented. Learned Additional Advocate General appearing for the State of Haryana is also granted liberty to move an application before the learned Single Judge for rectification of the factually incorrect statement.

It is made clear that the aforesaid observation made by this Court is only in respect of the statement made by the learned Additional Advocate General appearing for the State of Haryana and not with the other issues considered by the learned Single Judge.

Since the main appeal itself has been disposed of, no orders are required to be passed in CM No.714-LPA of 2020, for adducing additional evidence.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

03.03.2020

Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No