

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.8171 of 2020

Date of Decision: 17.06.2020

Suneel Kumar

... Petitioner

VS.

State of Haryana & Anr.

... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Jagjit Gill, Advocate for the petitioner

Mr. Rajneesh Chadwal, AAG Haryana

GIRISH AGNIHOTRI, J. (Oral)

(1) The petitioner – Suneel Kumar has filed the present writ petition *inter alia* with a prayer to set aside the *ex parte* order dated 02.06.2020 (P6) passed by the Financial Commissioner-cum-Additional Chief Secretary, Haryana.

(2) Learned counsel submits that the petitioner had filed caveat petition before the said authority with a request to hear the petitioner or his counsel when the case/appeal of the opposite party against the order dated 13.02.2020 is listed. However on 02.06.2020, *ex parte* stay order was granted by the competent authority.

(3) Notice of motion.

(4) On the asking, Mr. Rajneesh Chadwal, AAG Haryana accepts notice through video conferencing.

(5) On a question put by the Court, learned counsel for the petitioner submits that application for vacation of *ex parte* stay order was also filed immediately on 08.06.2020 but the same has not been listed. On further enquiry, the administrative officers of the competent authority, did not list the application for any particular date. The petitioner apprehends

that the application for vacation of stay would not be listed/heard by the

competent authority and it shall only be fixed with the main case on 13.07.2020.

(6) Faced with this situation, learned counsel has filed the present writ petition.

(7) Having heard learned counsel for the parties and without commenting upon the merits of the case, the writ petition is disposed of with a direction to the Financial Commissioner-cum-Additional Chief Secretary, Haryana – respondent No.1 to decide the petitioner's application for vacation of stay expeditiously.

(8) Since learned counsel for the petitioner is insisting on hearing of the present writ petition on merits even if the matter is pending before the competent authority, in these peculiar circumstances, a further direction is given to the competent authority to hear and decide the application within one week from the date of receipt of certified copy of this order.

(9) In view of the present COVID-19 situation and since the cases are being taken through video conferencing, a further a direction is given to the learned State counsel to convey the order of this Court to the competent authority by downloading the same from the website.

(10) So ordered.

17.06.2020
Vvishal

(Girish Agnihotri)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No