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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.11268 of 2020
Date of decision : 21.8.2020

Swaran Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr. Justice G.S. Sandhawalia

Present:- Mr. Sarju Puri, Advocate for the petitioner

Ms. Anu Pal, A.A.G., Punjab.

(The proceedings have been conducted through Video
conferencing as per instructions.)

G.S. Sandhawalia, J. (Oral)

The present writ petition has been filed under Articles 226/227 of the Constitution of India praying for issuance of a suitable writ, order or direction thereby quashing the impugned action of respondent no. 1-State in failing to pass an administrative order for making a provision for hearing of pending as well as fresh urgent appeals and revision petitions before the Financial Commissioners in the State of Punjab during the prevailing unprecedented situation due to Covid-19 pandemic in the country.

Affidavit of Mr. Manvesh Singh Sidhu, IAS, Secretary, Revenue, Financial Commissioners' Secretariat, Punjab, Department of Revenue, Rehabilitation and Disaster Management on behalf of respondents no.2 and 3 has been filed in terms of order dated 5.8.2020.

It has been clarified that entry in the Punjab Civil Secretariat had been

closed for general public vide order dated 10.7.2020 due to prevailing unprecedented circumstances related to Covid-19 Pandemic. However, thereafter a special counter has been set up for receiving petitions to be filed before the concerned Financial Commissioner. Relevant part of the affidavit reads as under:-

“3. That it is submitted that entry in the Punjab Civil Secretariat-1 & 2 are closed for general public vide order dated 10.7.2020 of the General Administration, Government of Punjab. This has become essential due to prevailing unprecedented circumstances related to Covid-19 Pandemic.

4. That vide order No.VO/FCR/2020/3057-58 dated 6.8.2020 passed by Additional Chief Secretary-cum-Financial Commissioner, Revenue, the working of all the Revenue Judicial Courts in the State of Punjab has commenced with a rider to ensure the implementation of norms of social distancing and other COVID-19 related protocols as laid down by the Department of Health & Family Welfare and the Department of Home of the State of Punjab. It has been suggested to Presiding Officers to explore the possibilities and to try to hear the cases through Video Conferencing, wherever feasible (Annexure R-1).

5. That in the circumstances mentioned above in order to avoid hardship to counsels/litigants, a special counter has now been established at Gate No.2 of the Punjab Civil Secretariat-1. This counter will remain operational from 10.00 AM to 1.30 PM on all working days till the entry in the Punjab Civil Secretariat is restricted. At the counter the petitions/applications etc. will be received and will be sent across to the court of jurisdictional FCR. The Reader of the Court will intimate the dates or discrepancies (if any) to the concerned Counsel through e-mail or phone during the office hours i.e. 9.00 AM to 5.00 PM (Annexure R-2).

6. That for the urgent cases as per the order No.VO/FCR/2020/3121-23 dated 11.8.2020 of the Additional

Chief Secretary-cum-Financial Commissioner, Revenue, the concerned party can bring the urgency to the notice of the jurisdictional Financial Commissioner by mentioning the same in writing through the concerned Reader and jurisdictional Financial Commissioner will take up the matter on the Actual Court Day or as per his convenience (Annexure R-3).

7. Thus, all the Revenue Judicial Courts in the State of Punjab have started functioning keeping in view the guidelines issued by the Department of Health & Family Welfare and the Department of Home of the State and a special counter has been established to receive the petitions/applications etc. at Gate No.2 of the Punjab Civil Secretariat-1 as mentioned above.”

Keeping in view of the above averments, Mr. Puri, counsel for the petitioner submits that the grievance as such raised in the writ petition to the extent that hearing was not being accorded stands redressed. He submits that he will take necessary steps to approach the Financial Commissioner concerned against the impugned order. in view of the above stand taken by the Secretary Revenue.

Keeping in view of the above, the present writ petition stands disposed of accordingly with liberty to the petitioner to avail his alternative remedy in view of the change in circumstances.

21.08.2020
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(G.S.Sandhawalia)
Judge