

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(105)

CWP-21277-2020

Date of Decision: December 14, 2020

Gajjan Singh

.. Petitioner

Versus

State of Haryana and others

.. Respondents

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. A.P. Bhandari, Advocate, for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Haryana.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present petition, the challenge is to the order dated 02.07.2020 (Annexure P-11) by which, the petitioner has been suspended by the Deputy Commissioner, Kaithal and also to the order dated 03.12.2020 (Annexure P-14) passed by the Financial Commissioner by which, the appeal filed by the petitioner challenging the order of suspension dated 02.07.2020 (Annexure P-11) has been rejected.

On the last date of hearing, the following order was passed:-

“Learned counsel for the petitioner argues that the Block Development and Panchayats Officer, Siwan passed an order dated 21.05.2018 (Annexure P/2) wherein, the petitioner was held liable to deposit an amount of Rs.3,75,595/- and against the said order, the petitioner filed an appeal before the Deputy Commissioner, Kaithal. The Deputy Commissioner, Kaithal vide his order dated 30.08.2019 (Annexure P/3) remanded the case back for reconsideration and upon reconsideration, the Block Development and Panchayats Officer passed an order

dated 27.12.2019 (Annexure P/4) holding that the liability of refund of Rs.3,75,595/- against the petitioner cannot be reconsidered. Against the said order, the petitioner again filed an appeal before the Deputy Commissioner, Kaithal (Annexure P/5) which according to the petitioner, is still pending consideration with the said authority. Learned counsel for the petitioner submits that on the one hand, the appeal against the order of the recovery is pending before the competent authority whereas, on the basis of the said recovery order, the petitioner has been suspended by the Deputy Commissioner, Kaithal and the order of suspension has been upheld by the Financial Commissioner without considering the said fact. Learned counsel for the petitioner submits that once the basic order of recovery is already under challenge before the Deputy Commissioner, Kaithal in appeal there was no ground with the Deputy Commissioner, Kaithal to suspend the petitioner without first deciding the appeal filed by him.

Before proceeding further, the factual aspects as narrated above need to be confirmed by the State of Haryana.

Let Additional Advocate General, Haryana informs this Court as to whether, the appeal (Annexure P/5) filed by the petitioner is still pending consideration before the Deputy Commissioner, Katihal or not and if the same is pending, then why, the same has not been decided prior to the passing of order, by which the petitioner was suspended.

Adjourned to 14.12.2020.”

Learned counsel for the respondents-State on instructions from Jaswinder Singh, DDPO submits that the appeal (Annexure P-5), which has been filed by the petitioner challenging the liability of refund of Rs.3,75,595/-, is still pending consideration with the Deputy Commissioner, Kaithal and the said appeal is now fixed for 29.12.2020 on which date, the same will be disposed of after hearing the parties including the petitioner.

Learned counsel for the respondents-State further submits that the till the appeal (Annexure P-5) is decided by the Deputy Commissioner, Kaithal, the order of suspension dated 02.07.2020 (Annexure P-11) will not be given effect too.

Learned counsel for the petitioner submits that this satisfy the claim of the petitioner, at this stage but he prays that in case, the order in appeal, to be passed by the Deputy Commissioner, Kaithal now, is against the petitioner, he be granted liberty to avail appropriate remedy qua the same.

It goes without saying, the petitioner will be free to avail appropriate remedy in case, any prejudice is caused to him by the order to be passed by the Deputy Commissioner, Kaithal in pursuance to his appeal (Annexure P-5).

Disposed of with liberty, as prayed for.

(HARSIMRAN SINGH SETHI)
JUDGE

December 14, 2020
harsha

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