

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

CWP No.2638 of 2021 (O&M)
DATE OF DECISION: 03.03.2021

Krishan

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Satyawan Singh Nain, Advocate for the petitioner

Mr. Rajesh Gaur, Addl. A.G., Haryana

Mr. Pritam Saini, Advocate for respondent Nos.2 and 3

..

ALKA SARIN, J. (Oral):

Heard through video conferencing.

This is a petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari to quash the impugned order dated 16.11.2016 (Annexure P-2) passed by the Chief Administrator, Haryana State Agriculture Marketing Board (HSAMB), Panchkula (respondent No.2) whereby the claim of the petitioner had been rejected.

The brief facts relevant to the present *lis* are that the wife of the petitioner is alleged to have died of a snake bite while she was lifting the *Jawar* fodder for the cattle in the fields on 16.06.2014. On 15.07.2014, the petitioner gave an application under the Mukhya Mantri Kishan Evam Khetihar Mazdoor Jiwan Suraksha Yojna, 2013 to the Market Committee, Gohana, District Sonapat for financial assistance under the Scheme. On 12.10.2015 the claim of the petitioner was dismissed by the EO-cum-Secretary, Market Committee, Gohana, District Sonapat which order was

challenged in appeal by the petitioner before the Chief Administrator, HSAMB. Vide order dated 16.11.2016, the appeal was also rejected by the Chief Administrator, HSAMB. Thereafter, on 12.05.2017 the petitioner submitted a representation before the Additional Chief Secretary, Agriculture Department, Chandigarh against the rejection and for re-hearing of the case which was treated as an appeal under Clause-9 of the aforesaid Yojna. Subsequently, notice dated 24.08.2017 was sent to the petitioner for appearance and rehearing of the case on 05.09.2017. As per the averments in the petition, though the petitioner appeared before the Principal Secretary and the matter was argued, but no speaking order was passed and it was only orally conveyed that the matter had been sent back for re-consideration to the Chief Administrator, HSAMB. Since no hearing was granted to the petitioner, the petitioner approached this Court by way of CWP No.13107 of 2020 which was disposed off on 31.08.2020 with a direction to respondent No.2 therein to decide the appeal filed by the petitioner within a period of two months on receipt of certified copy of the order. Since there was non-compliance of the order, the petitioner again approached this Court by way of a contempt petition being COCP No.2652 of 2020 which was withdrawn on 11.12.2020 with liberty to challenge the order dated 16.11.2016 rejecting the appeal of the petitioner. Thereafter, the petitioner filed the present writ petition challenging the order dated 16.11.2016.

A short reply of Secretary to Government of Haryana, Agriculture and Farmers Welfare Department has been filed on behalf of respondent No.1 wherein it has been stated that the petitioner filed a representation before respondent No.1 against the rejection order dated 16.11.2016 which was decided on 05.09.2017 with a direction to conduct an enquiry into the matter through the Deputy Commissioner, Sonapat.

A short reply of Secretary-cum-EO, Market Committee,

Gohana has also been filed in Court on behalf of respondent Nos.2 and 3 along with a copy of the Speaking Order dated 27.11.2020 passed by the Chief Administrator, HSAMB. The same is permitted to be taken on record. It has been stated in the reply that in compliance of the order dated 31.08.2020 passed in CWP-13107-2020, the Chief Administrator, HSAMB had passed a speaking order dated 27.11.2020, a copy whereof has been annexed as Annexure R/1. It has further been stated that the petitioner filed a contempt petition for non-compliance of the order dated 31.08.2020, however, the factum of the Speaking Order dated 27.11.2020 had been concealed from the Court.

Be that as it may, the fact remains that a speaking order has now been passed on 27.11.2020 and the petitioner would need to challenge the same in accordance with law. Faced with the same, the learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to challenge the said order in accordance with law.

Dismissed as withdrawn with the liberty aforesaid.

(ALKA SARIN)
JUDGE

03.03.2021
parkash

NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO