

CWP-7535-2019 (O&M)

Date of decision : 13.12.2021

Ramesh Lal

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Deepak Verma, Advocate for the petitioner.

Mr. TVS Lehal, Addl. AG Punjab for respondent No.1.

Mr. Anil Sharma, Advocate for respondent Nos.2 to 4.

ALKA SARIN, J. (ORAL)

Heard in physical mode.

Learned counsel for the petitioner, at the very outset, states that an appeal along with an application for condonation of delay was preferred by the petitioner against the impugned order dated 13.12.2012 on 24.10.2016, which appeal has not been decided till date. Learned counsel for the petitioner would further contend that in this regard a legal notice (Annexure P-3) was also sent on 06.11.2016 and, thereafter, the petitioner had approached this Court by filing CWP No.27036 of 2016. Vide order dated 23.12.2016 (Annexure P-4) the same was dismissed as withdrawn as alternative remedy of appeal was available. Thereafter, the petitioner was again constrained to approach this Court by filing CWP No.3460 of 2018 and vide order dated 15.02.2018 (Annexure P-7) the same was dismissed as withdrawn since the statutory appeal was stated to be pending.

Learned counsel for respondent Nos.2 to 4 states that there can be no denying the fact that an appeal has been preferred by the petitioner. However, the said appeal is not maintainable having been filed beyond the period of limitation. Learned counsel for respondent Nos.2 to 4 is not in a position to deny the fact that the appeal has been numbered as *Appeal No.9832 of 2017* and the same has admittedly not been decided till date. Learned counsel for respondent Nos.2 to 4, on instructions, has made a categorical statement that a decision would be taken on the appeal as well as the application for condonation of delay, in accordance with law, within a period of three months from the date of receipt of the certified copy of this order.

In view of the statement made by learned counsel for respondent Nos.2 to 4, learned counsel for the petitioner seeks permission to withdraw the present writ petition in order to pursue his alternative remedy of appeal.

Dismissed as withdrawn.

13.12.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

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