

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 1665 of 2021 (O&M)

Date of decision : 23.8.2021

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Nagar Council, Budhlada, Tehsil Budhlada,
District Mansa through Vijay Jindal, Executive Officer,
Tehsil Budhlada, District Mansa.

.....Petitioner

vs.

Harjit Singh

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Vikram Preet Arora, Advocate
for the petitioner.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

This revision petition is directed against order dated 9.4.2021 passed by Civil Judge (Junior Division), Budhlada, vide which he had imposed costs of Rs.500/- upon the Executive Officer, Nagar Council, Budhlada, for his failure to put in appearance in the court on that very date.

According to learned counsel representing Executive Officer in the present revision petition, the Executive Officer did not get any notice sent by the Court or message sent to counsel for Nagar Council, rather he was in meeting with SSP, Mansa, at that time and

for that reason his mobile phone was switched off. Learned counsel states that there was no intentional or willful lapse on the part of Executive Officer and imposition of such costs may affect his service career.

After hearing learned counsel for the revisionist and going through the impugned order, I find that there was little justification for the trial Court to impose costs of Rs.500/- upon the Executive Officer. A perusal of the order goes to show that the case was fixed for cross examination of plaintiff Harjit Singh, who had appeared as his own witness and it was during the course of hearing that counsel for defendant was directed to call the present Executive Officer to appear in the court in person. However, counsel for the defendant had informed that the Executive Officer had gone to meet SSP Mansa, in relation to one complaint and when the court asked him to ascertain the status by making phone call to the Executive Officer, learned counsel appearing for the respondent replied that mobile phone of the Executive Officer was switched off. It is nowhere mentioned that notice had been issued to the Executive Officer to appear in the Court and he despite service failed to do so. It also comes out that the Executive Officer did not come to know regarding directions of the court to appear there, therefore, there was no intentional lapse on part of the Executive Officer and imposition of costs of Rs.500/- upon him was not justified.

Therefore, the petition calls for acceptance. The same is allowed and part of the impugned order imposing costs of Rs.500/- upon the Executive Officer, Nagar Council, Budhlada, with a

consequent direction to his Drawing and disbursing Officer, to deduct the said costs of Rs.500/- from his salary and to deposit the same with District Legal Service authority, Mansa, under intimation to the Court, stands set aside.

23.8.2021
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No