

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

Sr. No.124

CWP-12082-2021(O&M)
Date of decision : 08.07.2021

Bahadur Singh

..... Petitioner

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. S.S. Khokher, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The petitioner was dismissed from the post of Chowkidar by the Sub-Divisional Magistrate-cum-Collector vide order dated 4.12.2017. An appeal against the same was filed before the Deputy Commissioner, SAS Nagar, who has refused to entertain the same on the ground that the order of dismissal was passed in exercise of powers of Collector. Consequently, an appeal has been filed before the Commissioner, Rupnagar Division, but he has also rejected the same on the ground of jurisdiction.

It is submitted that if, the original order has been passed in exercise of powers of Collector, appeal there-against would obviously lie before the Commissioner. Thus, order dated 10.8.2020 passed by the Commissioner, Rupnagar, is not sustainable in law.

Notice of motion.

Mr. Ayush Sarna, AAG, Punjab, accepts notice on behalf of respondent No.1 and waives service.

Considering the nature of order being passed, filing of written statement is dispensed with.

The writ petition is allowed and order dated 10.8.2020 passed by the Commissioner, Rupnagar Division, set aside. The matter is remanded to him to decide the appeal on merits, after taking into consideration the issues raised before him.

(SUDHIR MITTAL)
JUDGE

08.07.2021
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No