

(106) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCp-180-2020

Date of Decision :17.11.2022

Narender Singh

...Petitioner

Versus

P. Raghavendra Rao

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Krishan Kumar, Advocate for the petitioner.
Mr. Pawan Kumar Longia, DAG, Haryana.

B.S. Walia, J. (Oral)

[1] Prayer in the petition is for initiating proceedings against the respondent for intentional and willful defiance of order, Annexure P/8 dated 11.10.2017 in CWP No.4362 of 2014 in case titled as Narender Singh and others vs. Financial Commissioner, Haryana and others.

[2] A perusal of order Annexure P/8 reveals that CWP No.4362 of 2014 was allowed, Revisional order passed by the Financial Commissioner was set aside, matter remitted to the Financial Commissioner, Haryana for fresh adjudication while directing the parties to appear before the Financial Commissioner on 13.11.2017 and the Financial Commissioner being required to decide the revision petition within six months.

[3] Learned counsel for the petitioner contends that on 13.11.2017 the file was not traceable whereupon application Annexures P/9 dated 01.12.2017 was moved for placing on record, copy of order dated 11.10.2017 passed by Hon'ble the Division Bench of this Court in CWP No.4362 of 2014 and for fixing the actual date of hearing, followed by another application i.e. Annexure P/10 dated 28.11.2018, but no date of

listing of the aforesaid applications was given whereafter the petitioner pursued the matter in the office of the learned Financial Commissioner for listing of the case as evident from entry passes for the office of the Financial Commissioner of 19.04.2018, 02.05.2018, 03.08.2018, 06.08.2019 and 17.09.2018 but again to no avail.

[4] Learned DAG has not filed any reply controverting receipt of applications Annexures P/9 dated 01.12.2017 and P/10 dated 28.11.2018 nor has disclosed notice if any issued to the parties on the said applications for listing of ROR No.134/2011-12.

[5] Learned counsel for the petitioner contends that in the circumstances, dismissal of the applications i.e. Annexures P/9 and P/10 for want of non-pursuance of the case by the petitioner is legally unsustainable.

[6] Faced with the aforesaid submission, learned DAG states that in case an application is moved by the petitioner before the learned Financial Commissioner for recall of order dated 28.08.2019 within four weeks from today, the same would be considered sympathetically and ROR No.134 of 2011-12 decided in accordance with law in terms of order, Annexure P/8 dated 11.10.2017 in CWP No.4362 of 2014.

[7] In view of the position noted above as well as statement of learned counsel for the parties, the instant petition is disposed of as not calling for any action against the respondent under the Contempt of Courts Act, 1971 while granting liberty to the petitioner to move an application for recall of order dated 28.08.2019 before the learned Financial Commissioner within four weeks from today. In case such application is

moved, the learned Financial Commissioner shall consider and decide the same in accordance with law and shall take fresh decision on ROR No.134 of 2011-12 in accordance with the decision in CWP No.4362 of 2014 in terms of the statement made by the learned DAG.

17.11.2022
'Amit'

(B.S. Walia)
Judge

Whether speaking/ reasoned : Yes/No

Whether reportable : Yes/No