

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

124

CWP-3784-2022

DATE OF DECISION: 25.02.2022

MADHU SHARMA

... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Priyavrat Prashar, Advocate
for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the order dated 11.11.2020 (Annexure P-21) whereby his revision petition was dismissed on the ground of limitation.

Learned counsel for the petitioner contends that the petitioner is working as Assistant Professor and had applied for leave but he had been issued show cause notice for his absence and his services were terminated. The termination order was set aside but he was imposed minor penalty of withholding of annual increments. This order had been challenged by him by preferring revision petition which has been dismissed by the impugned order dated 11.11.2020 (Annexure P-21). Learned counsel further contends that his revision petition could not have been dismissed on account of limitation as in view of the Covid-19 pandemic, the Supreme Court had passed directions in *Suo Moto Writ Petition (Civil) No.(S) 3/2020* that the limitation period shall stand extended w.e.f. 15.03.2020.

Issue notice to the respondents.

At the asking of the Court, Mr. Sharad Aggarwal, AAG, Haryana accepts notice on behalf of the respondents No.1 to 3.

Heard.

It is manifest that the revision petition preferred by the petitioner has been dismissed primarily on the ground of limitation. The appeal has to be preferred within a period of 60 days but was preferred after six months. The order, which had been challenged by the petitioner in revision, had been passed on 10.02.2020 and in March, 2020, lockdown had been imposed in the country. Therefore, it would be in the interest of justice, if the delay in preferring the revision petition is condoned and the revision petition is heard and decided on merits.

Consequently, the petition is allowed. The impugned order dated 11.11.2020 (Annexure P-21) is set aside. The revision petition would stand restored to its original number. It would be heard and decided on merits within a period of four months from the date of receipt of certified copy of this order. The revisional authority shall also afford an opportunity of hearing to the petitioner.

(ANUPINDER SINGH GREWAL)
JUDGE

25.02.2022

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No