

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

Sr. No.105

**CWP-10828-2021 (O&M)
Date of decision : 11.01.2022**

Shankar

..... Petitioner

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Abhimanyu Singh, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The second respondent was appointed Lamberdar by the Collector. Appeal filed by the petitioner succeeded. The appellate order has, however, been set aside by the Financial Commissioner vide the impugned order dated 31.03.2021 (Annexure P-3).

A perusal of the impugned order shows that the appellate order has been set aside as it was violative of the principles of natural justice. The appeal filed by the petitioner was entertained on the same day and notice was communicated through telephone. The second respondent did not appear and thus, the order of the Collector was set aside.

Learned counsel for the petitioner has argued that service through Whatsapp messages is also permissible in law and thus, there was no error in serving respondent No.2 through telephone. Accordingly, the Financial Commissioner was in error in setting aside the appellate order.

The submission cannot be accepted. Service through telephone can never be construed as accepted mode of service as a copy of the appeal is also required to be served apart from intimation of pendency thereof. Through telephone, it is not possible to transmit a copy of the appeal. Further, there was no urgency requiring the matter to be decided on the same day. It is obvious

that the learned Commissioner was motivated by extraneous considerations.

Thus, the impugned order 31.03.2021 (Annexure P-3) cannot be faulted.

The writ petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

11.01.2022

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No