

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

243+244

(1) CWP-17084-2021

Balkar Singh

..Petitioner

Versus

State of Haryana and others

...Respondents

(2) CWP-17102-2021

Surender Godara

..Petitioner

Versus

State of Haryana and others

...Respondents

Date of Decision :06.05.2022

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rakesh Gupta, Advocate for the petitioner(s).

Mr. Narender Singh Behgal, AAG, Haryana
for respondent-State.

Mr. Padam Kant Dwivedi, Advocate
for respondents No.2,3 & 5.

Harsimran Singh Sethi, J. (Oral)

By this common order, above mentioned two writ petitions are being disposed of as both the writ petitions involve the same question of law.

A short reply on behalf of respondents No.2,3 and 5 filed in the Court today and is taken on record.

Learned counsel for the petitioner argues that in the present case, an order dated 06.09.2019 (Annexure P/6) imposing penalty alongwith

interest was passed against the petitioner by the Managing Director, HAFED, Panchkula, against which order, the petitioner preferred an appeal before the Board of Directors vide Annexure P/2 but, without putting the said appeal before the Appellate authority, the same was dismissed by the Managing Director himself on the ground of delay, without there being any jurisdiction with him.

Learned counsel for the petitioner submits that order dated 06.11.2020 (Annexure P/1) passed by the respondents dismissing the appeal preferred by the petitioner is without any jurisdiction.

After notice of motion, Mr. Padam Kant Dwivedi, Advocate appeared on behalf of respondents No.2,3 and 5.

Learned counsel for respondents No.2,3 & 5 submits that order dated 06.11.2020 (Annexure P/1), by which, the appeal (Annexure P/2) preferred by the petitioner has been dismissed, be treated as withdrawn as the said appeal will be placed before the Board of Directors for their consideration and the same will be decided afresh in accordance with law within a period of 08 weeks from the date of receipt of copy of this order.

Learned counsel for the petitioner(s) submits that keeping in view the statement made by learned counsel for respondents No.2,3 and 5 no grievance of the petitioner survives in the present petitions and the same may be disposed of having been not pressed any further.

Ordered accordingly.

May 06, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

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