

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(111)

CWP No. 334 of 2022

Date of Decision : 19.04.2022

Boota Singh

...Petitioner

Versus

Food Corporation of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ankit Grewal, Advocate for the petitioner.

Mr. Ravi Kamal Gupta, Advocate for the respondents.

Harsimran Singh Sethi J. (Oral)

In the present petition, though challenge is to the order dated 13.01.2010 (Annexure P-2) imposing the punishment as well as to the order passed in appeal and review but during the hearing, learned counsel submits that though while passing the order in the appeal filed by the petitioner, the petitioner was given an opportunity to file the review before the competent authority but the review so filed has been rejected only on the ground of delay with the observation that there is no application seeking condonation of delay.

Learned counsel for the petitioner submits that the petitioner had filed an application seeking condonation of delay, a copy of which has been appended with this petition at page 67.

Learned counsel for the respondents submits that though

application seeking condonation of delay has been appended but it is not clear whether the same was ever received by the authorities concerned before passing of the order on review.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The claim of the petitioner is that while deciding appeal preferred by the petitioner, liberty was given to him that in case he is aggrieved, he can file a review petition accordingly, petitioner had filed a review petition along with application seeking condonation of delay though, the fact of filing application seeking condonation of delay is being disputed.

Be that as it may, once the petitioner has exercised his right to avail the remedy of review as per the liberty given by the respondents themselves, without going into the niceties and the dispute whether the application for condonation of delay was received or not by the respondents along with the review petition, it will be in the interest of justice, if the authorities are directed to decide the review petition preferred by the petitioner on merits rather than dismissing the same on the ground of delay accordingly, the order rejecting the review petition on delay dated 20.05.2019 (Annexure P-4) is set-aside with liberty to the respondents to pass a fresh order on the review petition preferred by the petitioner on merits, as expeditiously as possible.

Petition stands disposed of in above terms.

April 19, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No