

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

LPA-1084-2021 (O&M)

Date of decision : 25.07.2022

Sukhwinder Singh and another

.....Appellants

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Naresh Kumar, Advocate,
for the appellants.

Mr. Deepak Balyan, Addl. Advocate General, Haryana.

Mr. Udit Mendiratta, Advocate,
for the respondent–Haryana State Council for Child Welfare

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

This is an intra-court appeal against an order and judgment dated 01.11.2021, whereby the writ petition preferred by the appellants has since been dismissed.

Learned counsel for the appellants submits that in the writ petition filed by the appellants, they had prayed for a writ of *quo warranto* to quash the appointment of respondent No.5 as Supervisor being violative of the statutory Rules. He submits that as respondent No.5 was a usurper of a public office, the issues as regards *locus* of the appellants to maintain the petition as also the delay, the petition allegedly suffered from, were of no relevance. But yet the learned Single Judge dismissed the petition on those two grounds.

Mr. Deepak Balyan, learned Additional Advocate General, Haryana, and Mr. Udit Mendiratta, Advocate, appearing for the Haryana State Council for Child Welfare, upon being confronted if a petition of such a nature could be dismissed on the ground of delay and *locus*, concede that those questions, though germane to the issue, have not been considered by the learned Single Bench while dismissing the petition.

That being so and in view of the settled law as also the decision of the Supreme Court in **Central Electricity Supply Utility of Odisha Versus Dhobei Sahoo and others, 2014 (1) SCC 161**, the impugned order and judgment dated 01.11.2021 is set aside. The matter is remitted to the learned Single Judge to decide the writ petition by taking these and all other aspects into consideration.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party.

Appeal is, accordingly, disposed of.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

July 25, 2022
ndj

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