

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-990-2023

Date of decision : 18.01.2023

Mewa Ram

... Petitioner

Versus

Financial Commissioner and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Manish Kumar Singla, Advocate
for the petitioner.

Mr.Ferry Sofat, Addl.A.G. Punjab
for respondents no. 1 to 5.

VIKAS BAHL, J.(ORAL)

This is a civil writ petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent no.1 to hear the appeal dated 04.11.2022 (Annexure P-4) registered vide Appeal no.116 of 2022 and to pass an appropriate and specific order on the stay application dated 04.11.2022 (Annexure P-5).

Learned counsel for the petitioner has submitted that the appeal of the present petitioner is against the order of suspension and in the appeal, notice of motion has been issued on 17.11.2022 and the case is now listed for 19.01.2023 as the case could not be taken up on 05.01.2023 as the Presiding Officer was not holding the Court. It is further submitted that the petitioner would be satisfied in case respondent no.1 is directed to take up the matter on 19.01.2023 or within a period of one week thereafter and to

consider the stay application filed by the present petitioner along with the said appeal.

Learned State counsel has submitted that every endeavour would be made by respondent no.1 to consider the main appeal on 19.01.2023 or within a period of one week thereafter and at any rate would consider the stay application within the aforesaid period.

Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to respondent no.1 to consider the appeal filed by the present petitioner along with stay application on 19.01.2023 or within a period of one week thereafter. In case, for any reason, the main appeal cannot be decided either on 19.01.2023 or within a period of one week thereafter, then the stay application filed by the petitioner be considered and a specific order on the same be passed within the said period.

It would be relevant to point out that this Court has not opined on the merits of the case and respondent no.1 would independently consider the prayers made by the petitioner, in accordance with law.

(VIKAS BAHL)
JUDGE

January 18, 2023
Davinder Kumar

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