

CWP No.4004 of 2023

[1]

2023:PHHC:058116

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

121

CWP No.4004 of 2023

Date of decision:25.04.2023

Shivraj Singh

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. P.S. Jammu, Advocate
for the petitioner.

Mr. Pankaj Middha, Addl.A.G., Haryana.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed *inter alia* seeking the following relief:-

“ii) issuance of an appropriate writ order or direction, especially in the nature of certiorari for setting aside the impugned letter Memo No.5570-E-5-2022/1374 dated 13.2.2023 (Annexure P-7) issued by the respondent No.1 vide which order has been issued to lodge FIR against petitioner and others on account of entry of a wrong mutation the petitioner is not a final authority to enter and sanction the mutation whereas, no such observation was made in enquiry report dated 25.06.2020 (Annexure P-1) conducted by the respondent No.4 as well as while passing the order dated 1.7.2022 (Annexure P-2) passed by respondent No.3 vide which the petitioner has been held negligent only and has stopped

three annual increments. The order, Annexure P-2, is under challenge in appeal pending before the respondent No.2, as the order dated 13.2.2023 passed by the respondent No.1, is wrong, illegal and arbitrary as the petitioner has not committed any irregularity and negligency while performing his duty especially while initiating the process of mutation of one Shobhi widow of Budhu son of Tajju in favour of her daughter Smt. Jeeva and subsequent mutations of late Smt. Jeeva.”

At the outset, counsel for the petitioner submits that he does not press the petition insofar as impugned letter memo dated 13.02.2023 (Annexure P-7) is concerned. He has confined his prayer for directing respondent No.2 to decide the statutory appeal (Annexure P-6) preferred by the petitioner.

State counsel has sought instructions and has placed on record a vernacular copy of the communication dated 24.04.2023 received from the respondents. He submits that appeal filed by the petitioner is pending.

Considering the above facts, this writ petition is disposed of with a direction to respondent No.2 to finally decide the appeal (Annexure P-6) within a period of four months from the date of communication of copy of this order after giving due opportunity of hearing to the petitioner to argue his case.

April 25, 2023

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No