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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7376-2023
Date of decision: 25.05.2023

Rikash GoelPetitioner

Versus

State of UT and othersRespondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Petitioner-Mr. Rikash Goel in person.

Ms. Amrita Garg, Advocate for
Mr. Jaivir Chandail, Advocate
for the respondents-U.T. Chandigarh.

AUGUSTINE GEORGE MASIH, J. (ORAL)

When the case was taken up for hearing on 10.05.2023; following
order was passed:-

“Petitioner, who appears in person, has asserted that the delay of 342 days in filing the appeal has not been dealt with while passing the order dated 17.01.2022 (Annexure P-1). He asserts that the inordinate delay should have been explained in the grounds of appeal. There also there is no such explanation put forth. The Appellate Authority has proceeded to decide the appeal on merits without taking into consideration the requirement of the statute, where the appeal beyond the period of limitation can only be entertained when there is sufficient explanation given for such delay in filing the same.

Learned counsel for the respondents-U.T. Chandigarh submits that she does not have the complete paper book and, therefore, is unable to assist the Court.

Petitioner undertakes to supply complete copy of the writ petition to the counsel for the respondents-U.T. Chandigarh during the course of the day under proper receipt.

List for consideration on 11.05.2023.”

In pursuance thereto, counsel for the respondents has sought instructions in the matter. An effort has been made by her to submit that a formal application for condonation of delay is not required to be filed nor mandated under the Statute. It is asserted that an explanation had been given in the grounds of appeal and which was supplemented at the time of arguments.

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She, however, could not dispute the fact that in the order passed by the Appellate Authority dated 17.01.2022, the Appellate Authority has not dealt with the aspect of the delay at all nor has the satisfaction with regard to the reasons for the delay being justifiable so recorded.

We also have perused the impugned order and find that the assertions as made by the petitioner is correct. Nothing has been mentioned with regard to the aspect of the delay having been found to be so of 342 days. Learned counsel for the respondents asserts that it is only 250 days. It would be open to the parties to put forth their submissions in this regard before the Appellate Authority.

On this ground alone and without going into the merits of the case, we set aside the order dated 17.01.2022 passed by the Chief Administrator, Union Territory of Chandigarh (Annexure P-1). Since, the basic order which was the subject matter of revision before the Administrator U.T. Chandigarh which Authority has proceeded to dispose of the petition terming it to be premature vide order dated 11.01.2023 (Annexure P-2), the same also cannot be allowed to continue as the order of the Appellate Authority has been found to be not in accordance with law.

In view of the above, impugned order dated 17.01.2022 (Annexure P-1) and order dated 11.01.2023 (Annexure P-2) passed by the Chief Administrator and the Advisor, U.T. Chanidgarh, are hereby set aside. Parties are directed to appear before the Chief Administrator, Union Territory, Chandigarh after 15 days i.e. on 12.06.2023.

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Let the Chief Administrator hear the parties on the question of delay as well as on merits afresh and pass an appropriate orders in accordance with law.

(AUGUSTINE GEORGE MASIH)
JUDGE

(HARPREET SINGH BRAR)
JUDGE

25.05.2023
Neha

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