

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

CWP No.8936 of 2021 (O&M)

Date of Decision:31.07.2023

Tej Singh

...Petitioner

Vs

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amit Jhanji, Senior Advocate with
Ms. Praneet Kaur, Advocate
for the petitioner.

Mr. Tapan Kumar Yadav, DAG, Haryana.

-.-

HARSIMRAN SINGH SETHI J.

1. In the present petition, there is a challenge to the order dated 14.01.2021 (Annexure P-17), by which order of punishment has been passed by the Transport Commissioner, Haryana reverting the petitioner from the post of Assistant Secretary to that of an Assistant.

2. Learned senior counsel appearing for the petitioner submits that the impugned order is challenged on the ground that the same has been passed by the appellate authority rather than the punishing authority, hence, is bad in law; whereas keeping in view the notification issued by the respondents, a copy of which has been appended by the respondent as Annexure R-1, for imposing a major penalty, the Transport Commissioner is the punishing authority and government is the appellate authority, hence, the petitioner does not want to press the present petition any further.

3. Learned senior counsel appearing for the petitioner further submits that the petitioner has already filed an appeal against the impugned order, which is pending before the appellate authority, hence, a direction be issued to the

respondents to decide the said appeal by passing an appropriate speaking order in a time bound manner so that the petitioner does not suffer prejudice any further.

4. Learned State counsel submits that in case the appeal filed by the petitioner against the impugned order is still pending consideration with the appellate authority, the same will be decided by passing an appropriate speaking order within a period of 8 weeks from the date of receipt of certified copy of this order.

5. In view of the above, as prayed for, the present petition is disposed of having been not pressed any further. It may be noticed that the petitioner will be at liberty to approach the government in case, he intends to pray for stay of the order of punishment during the pendency of the Appeal.

(HARSIMRAN SINGH SETHI)
JUDGE

July 31, 2023
Pankaj*

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No