

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CWP-26659-2018

Date of decision: 10.08.2023

SUNIL AGGARWAL

.....Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

Challenge raised in the present petition is to the order dated 25.06.2018 passed by the State Appropriate Authority dismissing the appeal against the order dated 26.02.2018 passed by the District Appropriate Authority-cum-Civil Surgeon, Rohtak whereby the Registration of Centre of the petitioner has been ordered to be suspended till the decision in criminal Case bearing FIR No. 365 dated 22.07.2017.

Learned counsel appearing on behalf of the petitioner contends that the Centre of the petitioner has been suspended notwithstanding that the prohibition becomes operative only after charges are framed and a mere registration of the FIR cannot be construed equivalent to framing of a charges. He further asserts that no charge has been framed against the petitioner so far.

Counsel for the respondent-State, on the other hand, has referred the Rule 19-A(2)(a) of Pre-Conception & Pre-Natal Diagnostic Techniques Act, 1994 to contend that by virtue of the power conferred on the State Government, a State Appellate Authority can be notified for hearing appeals against the order of the State appropriate authority. He submits that the Government of Haryana has, vide notification dated 21.11.2017 appointed the Additional Chief Secretary/ Principle Secretary to the Government of Haryana, Department of Health as the State Appellate Authority for the whole State against the orders passed by the State Appropriate authority. It is contended that the petitioner has an efficacious alternative remedy of filing of an appeal before the State Appellate Authority against the orders passed by the District Appropriate authority as well as the State Appropriate Authority.

In view of the above and noticing that an efficacious alternative remedy has been prescribed under the statutory rules, the present petition is disposed of with a liberty to the petitioner to prefer an appeal before the State Appellate Authority appointed under Rule 19-A(2)(a) of Pre-Conception & Pre-Natal Diagnostic Techniques Act, 1994.

In the event of the petitioner preferring an appeal before the State Appellate Authority, the same shall be decided expeditiously by the State Appellate Authority after affording an opportunity of hearing to the petitioner and a reasoned and speaking order shall be passed thereupon within a period of 04 months of preferring such appeal. Needless to mention that the period during which the present writ petition has remained pending shall be taken into consideration

while computing limitation.

The present petition is disposed of.

(VINOD S. BHARDWAJ)
JUDGE

AUGUST 10, 2023

Vishal sharma

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