

2023:PHHC:103130

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

246 CWP-26979-2021
Date of Decision: 08.08.2023.

M/S PARDEEP KUMAR AND SONSPETITIONER

VS

UNION OF INDIA AND OTHERS ...RESPONDENTS

CWP-4337-2022

M/S CHANDRAWATI AND SONS AND ORSPETITIONER

VS

UNION OF INDIA AND OTHERS ...RESPONDENTS

CWP-8115-2022

M/S ESS ESS CATERERS THROUGH ITS MANAGERS

VS

SR DIVISIONAL COMMERCIAL MANAGER NORTHERN RAILWAY
FIROZEPUR AND ORS

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

Present: Mr. Narender Bhardwaj, Advocate
for the petitioner in CWP-8115-2022

Mr. Om Malhan, Advocate for
Mr. Nakul Sharma, Advocate
for the petitioners in remaining petitions.

Mr. Arun Gosain, Sr. Government Counsel and
Ms. Swati Arora, Advocate
for the respondents in all cases.

VINOD S. BHARDWAJ, J. (ORAL)

These writ petitions are being disposed of by a common order
as counsel for the parties agree that identical issues arise for determination in

the present batch of writ petitions.

For the facility of reference, facts are being extracted from CWP-26979-2021.

Prayer in the present case is for staying the impugned order dated 03.12.2021 (Annexure P-2) passed by respondent No.6-Senior Divisional Commercial Manager, Northern Railways, Divisional Railway Manager Office, Ferozpur Cantt. whereby a fine of Rs.1 lac has been imposed on the petitioner notwithstanding the pendency of appeal before respondent No.5-Additional Divisional Railway Manager, DRM Office, Northern Railways, Ferozpur Division, Ferozpur Cantt. and till such time the dispute in question is settled in terms of the agreement executed between the parties.

Written statement on behalf of respondents has not been filed so far. Taking into consideration the nature of controversy involved, it is felt that there is no necessity of filing of reply.

Counsel for the respondents do not dispute that appeal of the petitioner is already pending before respondent No.5. It is submitted that the appeals shall be decided expeditiously so that the rights of the petitioners do not lapse and the object behind filing of appeal is defeated.

Since the appeal is pending and no valid reasons have been assigned for failure to decide the same. At the same time, proceedings for recovery of fine are being initiated. The right of appeal should not be permitted to be defeated for failure of respondents to decide the same.

It would, thus, be appropriate that the recovery of fine of Rs.1 lac as per the communication dated 03.12.2021 has not given effect to at this stage and till such time that the appeal between the parties is decided.

Accordingly, the present petitions are disposed of with a directions that the impugned order dated 03.12.2021 passed by respondent No.6 imposing a fine of Rs.1 lac on the petitioner be not given effect to till such time the pending appeals are decided by respondent No.5 in a manner known to law by the Appellate Authority.

Disposed of accordingly.

A photocopy of this order be placed on the files of connected case.

08.08.2023
pry

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No