

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-26543-2017(O&M)

Date of decision : 25.07.2023

Sukhdev Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Amandeep Singh Manaise, Advocate
for the petitioner.

Mr.Rohit Bansal, Sr.DAG, Punjab
for respondents no.1 to 4.

Mr.Daljeet Singh Kahlon, Advocate
for applicant-respondents no.5 to 9.

VIKAS BAHL, J.(ORAL)

CM-11345-CWP-2023

1. This is an application under Section 5 of Limitation Act for
condonation of delay of 95 days in filing the application.

2. For the reasons stated in the application, which is duly
supported by an affidavit, the application is allowed and delay of 95 days in
filing the application for restoration of the main petition is condoned.

CM-11346-CWP-2023

1. This is an application under Order 9 Rule 9 read with Section
151 CPC for restoration of main petition, which was dismissed for non-
prosecution vide order dated 09.03.2023.

2. For the reasons stated in the application, which is duly
supported by an affidavit, the application is allowed and the order dated

09.03.2023 is recalled and the main petition is ordered to be restored to its original number and stage.

CWP-26543-2017(O&M)

1. This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction especially in the nature of certiorari for quashing of the impugned order dated 27.10.2017 (Annexure P-2) passed by respondent No.4.

2. Learned State counsel as well as learned counsel appearing on behalf of applicant/private respondents have jointly submitted that the order dated 27.10.2017 (Annexure P-2) is appealable, whereas, in paragraph No.17 of the present writ petition, it has been stated that there is no other alternative or equally efficacious remedy of appeal or revision available to the petitioner.

3. Learned counsel for the petitioner has submitted that the petitioner in fact had filed representation / appeal dated 07.11.2017 (Annexure P-3) before the DDPO and it is only when no action was taken on the said representation/ appeal, the petitioner has filed the present writ petition. Learned counsel for the petitioner has submitted that the petitioner would be satisfied in case respondent no.3 is directed to decide the representation/appeal filed by the petitioner dated 07.11.2017 (Annexure P-3) in a time bound manner.

4. Learned State counsel as well as learned counsel for the applicant/private respondents have submitted that they have no objection to the said course of action. Learned State counsel has submitted that every endeavour would be made by respondent no.3 to decide the said representation / appeal as expeditiously as possible, preferably within a

present order.

5. Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to respondent no.3 to decide the representation dated 07.11.2017 (Annexure P-3) by treating the same as an appeal, as expeditiously as possible, preferably within a period of one month from the date of receipt of the certified copy of the present order.

6. It would be open to the petitioner to move an application for stay of recovery as had been ordered vide order dated 27.10.2017 before respondent no.3 and respondent no.3 would consider the same, in accordance with law.

(VIKAS BAHL)
JUDGE

July 25, 2023
Davinder Kumar

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