

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.24308 of 2023
Date of decision : 30.10.2023

Himmat Bhardwaj

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Mohd. Yousaf, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Present writ petition has been filed for quashing the order dated 17.10.2023 (Annexure P-6) passed by respondent No.1 and order dated 24.08.2022 (Annexure P-5) passed by respondent No.2, being illegal, void, non speaking and against the provision of law. Further prayer has been made for staying the operation of impugned orders dated 17.10.2023 and 24.08.2022 during the pendency of the present writ petition.

It has been contended by learned counsel for the petitioner that against the order of suspension dated 24.08.2022, the petitioner filed an appeal before the learned Financial Commissioner, however the stay was declined without assigning any reason. He submits that thereafter appeal filed by the petitioner had been disposed of as infructuous in view of the notification, which was later on withdrawn. He further submits that the term of petitioner is going to expire in December, 2023 and till date,

neither the appeal filed by the petitioner has been restored nor any decision on merits has been given on the same.

Notice of motion.

On asking of the Court, Ms. Akshita Chauhan, DAG, Punjab appears and accepts notice on behalf of the respondents. She, on instructions has submitted that the petitioner has been issued show cause notice for 20 days to which the petitioner has not submitted any reply till date. However, she submits that appeal was disposed of as infructuous and the notification was later on withdrawn.

After hearing learned counsel for both the parties, the present petition stands disposed of with a direction to the Financial Commissioner, Punjab to restore the appeal filed by the petitioner to its original number and decide the same in accordance with law.

Operation of the impugned orders dated 17.10.2023 and 24.08.2022 shall remain stayed till the appeal is taken up for hearing by the learned Financial Commissioner, Punjab.

(RAJESH BHARDWAJ)
JUDGE

30.10.2023

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