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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.28672 of 2023
Date of decision : 19.12.2023

Deen Mohammad

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vikram Singh, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Present writ petition has been filed for setting aside the order dated 13.12.2023 (Annexure P-5) passed by respondent No.4 during the pendency of the appeal dated 30.11.2023 (Annexure P-4) as respondent No.2 is not deciding the stay application and is adjourning the matter time and again whereas the matter is of urgent nature.

Learned counsel for the petitioner has submitted before this Court that inadvertently, the Commissioner, Faridabad Division, Faridabad has been marked as respondent No.3 instead of respondent No.2 in the memo of parties, therefore, he prays that same may be read as respondent No.2.

Allowed as prayed for.

The Commissioner, Faridabad Division, Faridabad be now read as respondent No.2 in the memo of parties. Registry is directed to carry out the necessary correction in the memo of parties.

Learned counsel for the petitioner has submitted that against the suspension order dated 04.11.2023, the petitioner has already filed an appeal before respondent No.2 i.e. the Commissioner. He submits that appeal has been filed along with the stay application, however the same has not been decided till date. He submits that the appeal is fixed for tomorrow i.e. 20.12.2023. He further submits that if the appeal along with the stay application is not heard, the petitioner would suffer an irreparable loss and injury.

Notice of motion.

On asking of the Court, Ms. Upasna Dhawan, AAG, Haryana appears and accepts notice on behalf of the respondents. She, on instructions from Ram Kumar, Assistant Divisional Commissioner, Faridabad has submitted that the appeal along with the stay application is fixed for tomorrow i.e. 20.12.2023 and the same would be decided.

After hearing learned counsel for the parties, the present petition is disposed of with a direction to respondent No.2-the Commissioner, Faridabad Division, Faridabad to decide the appeal along with the stay application on the date fixed i.e. 20.12.2023 after hearing both the sides in accordance with law. However, the petitioner would be at liberty to pursue the remedies as available to him in accordance with law.

(RAJESH BHARDWAJ)
JUDGE

19.12.2023

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