

LPA-868-2024 (O&M)

2024:PHHC:122537-DB



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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

LPA-868-2024 (O&M)

Date of Decision: September 12, 2024

KHALID AKHTAR

..... Appellant

Versus

UNION OF INDIA AND OTHERS

..... Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present: Mr. A.S. Sandhu, Advocate for the appellant.

Mr. Vipul Aggarwal, Senior Panel counsel for UOI.

1. Prayer in this appeal is for setting aside order dated 20.01.2024 passed by learned Single Judge whereby CWP-13497-2020 filed by the appellant was disposed of.

2. Appellant-writ petitioner filed above said CWP for setting aside order dated 18.02.2019 passed by respondent No. 4 whereby punishment of 'Displeasure' was issued to the petitioner. Ground taken by appellant/writ petitioner was that the documents relied upon while passing order dated 18.02.2019 had not been supplied to him. Finding merit in the ground so taken, learned Single Bench disposed of the writ petition as under:-

“5. In the wake of above facts and findings, the impugned order dated 18.02.2019 (Annexure P-9) is hereby quashed and

respondent is directed to pass fresh order. The respondent shall consider request of the petitioner for relied upon documents and thereafter pass fresh order after considering reply, if any, filed by the petitioner.

6. It is made clear that if respondent comes to a conclusion that all the documents have already been supplied or documents are not required to be supplied, the petitioner shall not seek adjournment on one or another ground. He will come forward for the final adjudication of the matter. At the first instance, the respondent shall decide request of the petitioner for documents within 4 weeks from today and the petitioner thereafter, if so advised, shall file his reply within 3 weeks.

7. Disposed of in above terms.”

3. Aggrieved therefrom, present appeal has been filed.

4. Learned counsel for appellant submits that documents in question have not been supplied till date. Learned counsel for appellant, when asked to point out infirmity or perversity in the impugned order, which may be a cause for interference in this matter, again reiterates that documents in question have not been supplied to appellant in terms of order dated 20.01.2024.

5. Learned counsel for respondents (on advance notice) submits that order dated 05.06.2024 has been passed afresh subsequent to passing of impugned order. Copy thereof was communicated to the appellant. Another copy of said order has been supplied to learned counsel for appellant in Court as well.

6. Having heard learned counsel for parties, we do not find any ground to cause interference in this matter.

7. Writ petition filed by appellant has evidently been allowed partially inasmuch as impugned order has been set aside while affording opportunity to respondents to pass a fresh order. In case, there is any non-compliance of the

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said order, remedy of appellant clearly lies elsewhere. Fresh order dated 05.06.2024 has also been passed by authorities.

8. Learned counsel for appellant is unable to point out any infirmity or irregularity in impugned order dated 20.01.2024 which calls for interference.

9. No other argument has been raised.

10. In the given facts and circumstances as above, appeal is dismissed being devoid of any merit. Appellant is at liberty to challenge subsequent order dated 05.06.2024, if so advised, in accordance with law.

11. As the matter has been considered and decided on merits, adjudication upon application seeking condonation of delay of 29 days in filing the appeal, is rendered academic. Application is disposed of accordingly.

(LISA GILL)
JUDGE

September 12, 2024
Rts

(SUKHVINDER KAUR)
JUDGE

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