

2024-PHHC-120254



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124 (3 cases)

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

CWP-23278-2024
CWP-23279-2024
CWP-23289-2024
Date of Decision: 12.09.2024

Mandhir Kaur

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Lakhinder Bir Singh, Advocate and
Mr. Sandeep Singh, Advocate
for the petitioner(s).

HARSH BUNGER, J. (Oral)

1. This order shall dispose of three writ petitions, bearing CWP-23278-2024, CWP-23279-2024 and CWP-23289-2024 and for the purpose of passing this order, the facts are being taken from CWP-23278-2024.

2. The instant Writ Petition (CWP-23278-2024) has been filed under Articles 226/227 of the Constitution of India *inter alia* seeking a writ in the nature of Certiorari for quashing the *ex parte* order dated 07.08.2024 (Annexure P-1), passed by respondent No.2 in the capacity of Financial Commissioner (Revenue), Punjab in ROR No.707 of 2024 titled as "*The IAS/PCS Officers Co-operative House Building Society v/s Naib-Tehsildar,*

Majri and others” dated 24.07.2024 (Annexure P-2).

3. While referring to the impugned order dated 07.08.2024 (Annexure P-1), learned counsel for the petitioner submits that in paragraph No. 4 thereof, the said Officer has observed as under:

“4. On the other side, fact remains that the Petitioner-IAS PCS Officer Cooperative Society has many members belonging to IAS/PCS, Officers from Judiciary, Airport Authority, Doctors, Engineers and many Govt. Servants. The undersigned authority in its personal capacity also remains a member thereof. As such, because of it getting covered within a zone of case of conflict of interest, it will not be prudent for undersigned authority to decide this case. It will thus be proper to transfer/entrust this case to a competent Financial Commissioner, who does not have a share in the same society to avoid a situation of conflict of interest. For this purpose, the case will be moved separately for the orders of the appropriate authorities.”

3.1 Learned counsel for the petitioner further submits that once respondent No.2 had recused from the matter, there was no occasion for him to pass other directions as contained in the said order dated 07.08.2024 (Annexure P-1).

4. Mr. Navneet Singh, Sr. DAG, Punjab, appeared on behalf of respondent/State in this case, pursuant to the advance copy of petition having been sent to the State. Mr. Onkar Singh, Advocate, being the caveator/respondent No.3 in this case and Mr. Naresh Kaushal, Advocate and Mr. Nitish Kaushal, Advocate, appear on behalf of respondent No.28. Learned counsel appearing for respective respondents have fairly conceded that once the concerned Officer had recused from the matter, he should not have passed the other directions as contained in the said order dated

07.08.2024 (Annexure P-1) and therefore, they have no objection if the impugned order dated 07.08.2024 (Annexure P-1) is set aside.

5. Keeping in view the aforesaid submission made by learned counsel for the respective parties, the impugned order dated 07.08.2024 (Annexure P-1) which is subject matter of challenge in all three writ petitions, is set aside.

6. At this stage, learned State counsel also informs that the revision petitions bearing ROR No.706-708/2024 have already been entrusted to another Financial Commissioner namely Sh. Krishan Kumar, who is presently seized of the matter and the said revision petitions are listed for today.

7. In view of the aforesaid fact, let the aforesaid revision petition(s) be decided by the concerned Presiding Officer, who is presently seized of the matters and he shall decide the petition(s), after affording due opportunity of hearing to the parties, by passing a speaking order in accordance with law.

8. The instant writ petitions are disposed of accordingly.

9. All Pending application(s), if any, shall also stand closed.

10. Photocopy of this order be placed on the files of connected cases.

12.09.2024
Himani

(HARSH BUNGER)
JUDGE

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